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Main works-

A saga of Sacrifices: Praja Parishad Movement in J&K

100 Documents: A reference book J&K, Mission Accomplished

A Compendium of Icons of Jammu & Kashmir & our Inspiration (English)

Jammu Kashmir ki Sangarsh Gatha (Hindi)

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FILE NO: 17

Sikri Commission: A critique (Balraj Puri)
(Donated by Dr. Vidya Bhushan)

Campaign Report 1984 (Donated by Dr. Vidya Bhushan)

Politics of Regionalism in Jammu & Kashmir (Prof. Vidya Bhushan)

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All parties Jammu Committee had already, as per its Press Note (Appendix to this brochure), expressed its apprehensions about the method of approach and the manner of functioning of the Sikri Commission. It also expressed its strong reaction to the Commission's failure to take due cognizance of the political questions involved and consider its demand for decentralization of political power and constitutional safeguards so as to ensure equitable distribution of resources for development and due representation in the services to the regions which had lagged behind. The Committee had also stressed that the issues and problems involved will continue to be alive and agitate the minds of the people of Jammu region untill suitably settled and as such the struggle for achieving the desired objectives may have to be continued.

The report has since been studied in depth. One of the members of the committee, Shri Balraj Puri, has prepared a note making a critical appraisal of the report. The note not only exposes the glaring lapses, distortion of facts and illogical conclusions in the report but highlights the core of the problem viz constitutional provisions for equitable share of political power among the three regions of the State and its devolution to lower tiers.

The note rightly concludes that as the Commission had chosen not to touch this aspect of the problem, it has sent the ball back to the court of the State Government which must now take the initiative to start an inter-regional dialogue on the subject.

The Committee wishes to affirm in all earnestness that the Commission has posed more problems than it has solved and that such problems cannot be thrown under the carpet.

This note is released for a debate over crucial problems concerning a vital State of India so that the people are prepared for the next step that the situation may demand.

(S. P. GUPTA)
President
All Parties Jammu Committee

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Sikri Commission returns the Ball to Govt.

A critical analysis of the report

"A certain amount of discontent as between the inhabitants of different regions, in Jammu, Kashmir and the frontier territories (Ladakh etc.)", observes the Sikri Commission, "appears to have been subsisting during the present century".

The Commission of Inquiry headed by Justice S. M. Sikri including Dr. Malcolm. S. Adiseshia and Dr. M. Zaheer, was appointed by the State Government in 1979 as a part of its agreement with leaders of the agitation that had earlier rocked Jammu region for over four months. Evidently it did not deem it necessary to cite any evidence to pronounce on the existence of chronic nature of inter-regional tensions in the State. In fact no commission was needed nor the present commission was appointed to discover this unpleasant but plain reality of the State politics. It was repuired to suggest policy measures, constitutional or otherwise, to remove regional discontent which was taken for granted.

The Commission, which submitted its report to the State Government in August 1980 and released by the latter in October last, does not claim that its recommendations will eliminate the endemic discontent. It had set itself to deal with a part of the problem ; a part that did not touch politics. Contrary to its assurances to the All Parties Committee, it finally holds that the question of constitutional changes and political aspirations of the regions is beyond its brief. "Otherwise, the government would have said so plainly", it argues.

Notwithstanding this argument, the Commission did not in any way feel inhibited by its terms of reference to dilate on the political virtues of the present constitution of the State which gives it "wider legislative jurisdiction" than other States and

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"provides for full participation of the citizens in the political affairs of the State".

Regional share in Power

The Commission does not refute the charge that the existing constitutional set up has so far failed to ensure equitable share in political power to the regions of the State. Instead it argues that "constitutions are meant to last for longer periods and are not changed to fit in with electoral results of a period of about two or three decades". Although it concedes that so far the majority of members of the party in power continue to come from the Valley of Kashmir", it holds out the promise "of a leader or party emerging in Jammu region which would command a majority consisting mostly of members from the Jammu region and a few from Kashmir and Ladakh".

The naivete of the arguments of the Commission on this point would be evident from the following facts. First there is no guarantee of inevitability of periodic shifts in the centre of gravity of political power from one region to the other and of its remaining in each region for approximately equal periods. Second, present inequities cannot be neutralised by future inequities and the deprivations of one generation in one region cannot be compensated by deprivations of the next generation of the other region. And, third, constitutions are also meant to provide for measures to correct distortions of short periods and the experience of thirty years is in no way too short to be dismissed.

Jammu's discontent on account of inadequate share in political power, is the main cause or vitiating inter-regional relations and undermining the emotional integration of the State with the rest of India. The situation would take a far worse turn if as envisaged by the Commission, inter regional power equation is reversed. Regional discontent in Kashmir, on account of inadequate share in power in that case would seek the outlet of secession more directly.

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Federal Set-up for State

Enough evidence is by now available throughout the world about the way federalism reconciles internal diversities of a society to make it an integrated entity whereas unitary systems are known to have disrupted and disintegrated many a political entity. As Jammu and Kashmir is the richest state of the country in terms of internal diversities, a federal system is imperative for survival of its entity. The fact that the State enjoys more legislative jurisdiction than other States do is no justification for imposing a centralised constitution on it, as the Commission fondly argues. It is rather an argument for greater devolution of power. For if Article 370 of the Constitution, that provides a special status to the State, is regarded as an emotional bridge between the State and the Union of India and not as an incentive for the State's secession, similar provisions in the State constitution for devolution of power to the regions would strengthen emotional integration of the State and discourage separatist tendencies.

It was for these reasons that the then Prime Minister of India Jawahar Lal Nehru had sponsored the idea of giving constitutional status to the regions to ensure their share in political power as far back as in 1952. It was supported by Dr. Shayama Prasad Mukerjee and was later blessed by Shri Jayaprakash Narayan. Sheikh Abdullah is one of those Kashmiri leaders who had also sponsored and owned it.

The Commission does note even refer to the long debate on the subject. But is quick to reject even the idea of Regional Committees of the legislature which it equates with "judicial separation". It has failed to take notice of the role of Regional Committee in Andhra and of Regional Boards in Maharashtra and Gujarat in resolving seperatist urges for the regions of the respective States. It also failed to appreciate the recommendations of the Gajenderagadkar Commission regarding the setting up of statutory Regional Development Boards in the State.

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The present Commission is in fact obsessed so much with the idea of maintaining the status quo that it is oblvious of the current thinking in the country regarding strengthening regional or divisional and district agencies. It does not only disapprove of any institutional change at the regional level, it also rejects any proposal to improve the composition of the district development boards.

Even if the Commission was right in presuming that it had not been called upon to suggest measures to satisfy the political aspiration of the people, would it be right in its presumption that it had only to suggest measures as do not satisfy these aspirations ?

Political Causes of Discontent

It may be noted in this context that the Commission has nowhere refuted the contention that the major cause of regional discontent in the State is lack of avenues of satisfaction of political aspiration of the people. Rather it impliedly supports this contention when it labours hard in the bulk of its report to rule out other causes of discontent. It specifically excludes government policies in the fields of development, recruitment to government jobs and admission to professional institutions from the list of such causes.

The Commission has failed to find any regional imbalance "on the score of government policy". It has also certified that "the translation of this policy into practice is proceeding on the desired lines". Jammu region, it adds, has lately received adequate and in most cases more than its share". Having made these bold assertions but conceding the fact of regional discontent, the Commission should have logically concurred with the cogent observations of the Gajenderagadkar Commission which had concluded : "Even if all matters were equitably settled, we feel that there would still be a measure of discontent unless the political aspirations of the different regions of the State were satisfied" and that it is the feeling of political neglect and discrimination, real or imagined, from which certain

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regions of the State suffer, which, according to the Commission, was the "main cause of irritation and tension".

Development outlays which deny political aspirations have always failed to buy popular satisfaction. The experience of the State itself bears that out. The economy of the State started galloping during the decade of Bakshi Ghulam Mohammad's rule after Sheikh Abdullah's arrest in 1953. But that failed to undermine the latter's position as a symbol of of Kashmir's political aspirations. And it is not without reason that the regional discontent in Jammu started mounting after Abdullah's return to power when the proportionate allocation for the Jammu region is claimed to have increased.

Besides establishing the fact, albeit by implication, that equitable development outlay by itself is no substitute for political aspirations, the report of the Sikri Commission also underlines the difficulty of making near calculations of equitable regional shares in development allocation for the purpose of comperison.

Measuring Imbalances

Applying 26 indicators of socio-economic development, its analysis shows that "Kashmir faces imbalance in 9 areas..... and Jammu faces imbalances in 3 areas". What about 14 other indicators which the Commission conveniently ignored ?

The Commission is candid enough to admit that "this analysis of development indicators suffers from the nature of the data used, its short terms period, differing base years and years of comparison, its lack in some cases and the time constraint which did not allow removing some of these limitations". The value of the exercise of comparing levels of development in different regions of the State on the basis of these indicators is thus put to grave doubt. Data are available for only 12 out of 26 indicators which too have been arbitrarily chosen. Moreover the data for these indicators too are deficient in many respects. Another snag in this exercise is

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that the indicators have been sought to be compared with one an other without determining their relative weightage.

It is neither fair nor necessary to achieve perfect parity in development levels and financial allocations of regions in each and every area. Needs and endowments drastically vary from region to region and area to area. For instance Jammu cannot easily compete with the potentional for Tourism and Handicrafts in the Valley whereas Jammu is far better endowed in industrial development and Hydro-electic power generation. Further drinking water and communications must receive a far higher priority in Jammu than in Kashmir. The Commission's plea to the government to recognize relative inbalances in the 26 areas specified by it and to lay the basis for corrective programmes in all of them is thus patently irrational and impractical. It would merely help in generating acrimonious controversy over the issue of regional imbalances which in the very nature of thing are bound to remain in one field or the other. If the Commission, with all the data and expertise at its command, failed to correctly measure the development level of the regions in all the areas specified by it and to evolve a rational basis for comparing regional claims, how can the general public be blamed if their perception of the development programmes varies with that of the Government.

Formulla for Regional Allocations

Instead of point by point comparison of levels of development of allocations of the regions, what is feasible is to fix an overall share for them with feedom to use it on the basis of their respective priorities. Here the Commission does make a positive contribution by recommending that the sources should be allocated 70% on the basis of population, 10% on the basis of area, 10% backwardness of the specific areas in relations to the population and the remaining 10% on the basis of resource endowment. This formulla provides a basis for a dialogue between the interests concerned with necessary modifications. But equally importantly it underlines the need for an appropriate machinery for formulating and implementing plans at the regional level on the basis of regional priorities.

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For discussing regional share in government jobs, the Commission admits that "in terms of population, Kashmir continues to enjoy a larger share in all the 3 classes of services (Gazetted, non-gazetted and class IV) and that "Jammu is still short of its full share", which is 39% as against its estimated population of 45%. To remedy this situation, it merely recommends that the trend towards improvement in "Jammu's share discerned in last years may be maintained through the government's recruitment policies consistent with the maintenance of efficiency in administration". Is the said favourable trend towards Jammu, which the Commission mentions, due to conscious policies of the government? Do these policies provide for regional considerations? Or did the trend start inspite of these policies?

Faulty Recruitment Policies

According to the findings of the Commission, all is not well with the functions of the recruitment agencies including Public Service Commission and the State Regional and District Recruitment Boards. It has urged the government to allow "the Public Service Commission to function in its full discretion" and to improve the working of the boards. While making these general observations, the Commission clearly evades a number of vital questions. It does not suggest concrete measures for improvement in policies and their implementation. Does it, for instance, want merit to be the exclusive criteria for recruitment; or would it like considerations of regions, community, backwardness also to be taken into account and with what weightage? How can selection be made on objective criteria, eliminating the arbitrary factors? Without touching such questions, the Commission is deluding itself and others in assuming that its exhortations alone could automatically correct past regional imbalances, maintain future regional balance, "foster confidence of the general public in these recruiting bodies and its trust in fair and impartial administration".

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Again the Commission recommends that efforts be made to accelarate the trend in order to provide adequate representation of the scheduled castes in government employment which is 2·9% against the statutory requirements of 8%. As the shortfall is too substantial, was it not the duty of the Commission to suggest special measures to correct it?

Backward Classes

Further the Commission merely notes that the policy decisions relating to the share of the backward classes (other than the Scheduled Castes) have been abrogated since the Supreme Court struck down the basis of classification in 1973. But in does not suggest how to fill the policy vacvum which covers 42% of the government jobs. It does not even answer the question whether this reservation should continue, in what percentage and how long? And what should be the criteria for determining afresh a list of backward classes.

As for the problem of admission to professional institutions is concerned, the Commission quotes the following figures about the two most important of them. In the Regional Engineering College, 864 students were admitted from Kashmir region and 385 from Jammu region from 1968 to 1978. In case of Medical Colleges, the admissions from Kashmir region were 401 and from Jammu region 301 during 1974—78

Inexplicably, the Commission does not deal with the question of regional imbalances in these institutions. but high lights the fact that 63% of the students admitted to the Engineering College belong to Jammu and Srinagar districts of the State. In the case of Medical Colleges, the share of the two districts was 446 out of 702.

Coming to its own recommendation, the Commission considers it "inadvisable to suggest quates for regions, districts and small territorial units, since this will militate against the provisions relating to fundamental rights". It also recommends that "the interviews should be done away with and admissions should be made purely on the basis of merit at the written

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examination". It is not far wrong in asserting that if this is done, the complaints against manipulation, favourtism and malpractice would disappear". But it is extremely naive in concluding that the imbalances can be corrected by such executive actions alone.

Incongruities :

To sum up, the Sikri Commission, which was expected to provide a clue to the resolution of inter-regional tensions in the sensitive state of Jammu and Kashmir, unfortunately does not offer more than a bundle of incongruities. It concedes the fact of regional discontent but does not examine its causes. It rejects pleas for constitutional provisions to satisfy political aspiration of the people on the ground thar such job was not assigned to it. But argues in favour of the status quo on the ground that it would satisfy popular aspirations. It suggests 26 indicators to measure regional imbalances. But pronounces its judgment on the basis of only 12 indicators. Again it finds imbalances in regional share in government jobs and admission to professional institutions. But hopes that these imbalances would be automatically corrected if the method of selection was made fairer, which too is not explained.

Ball in Government Court

The Commission has, above all, returned the ball to the court of the State Government ; which must not only take initiative in resolving political aspect of the problem as the Commission specifically declined to deal with it, but also indicate how far the recommendations regarding the formula for financial allocations to regions, selection of candidates on merit and scrapping the system of interviews be acceptable to it. If the government insists on following an alternative policy in the fields of development, recruitment and admission, it must plainly declare it so that it can be freely debated and scrutinised at political and judicial levels. The fact that the leaders of Jammu have expressed their unanimous dissatisfaction with the report is no alibi for continuing the present arbitrary policies in these fields.

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Article 370
and
Regional Autonomy

BALRAJ PURI

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Books and pamphlets on Jammu and Kashmir State by the same writer :

1. Jammu-a clue to Kashmir Tangle, published by the author.
2. State Politics in India (a chapter on Jammn and Kashmir), published by the Princeton Press, USA.
3. Some Vital Problems of Jammu & Kashmir State, published by the author.
4. Sheikh Abdullah & Kashmir, published by the author.
5. Communism in Kashmir, published by the Institute of Political & Social Studies Calcutta.
6. Jammu's Discontent : Causes & cures, memorandum submitted to the Gajendragadkar Commission and published by Jammu Autonomy Forum.
7. Our Cultural Fabric (a chapter on Dogri poetesses), published by Government of India.
8. Economic Progress of the State : Myth and Reality, published by the author.
9. Biographies of leaders of Jammu & Kashmir State, published by the Institute of Historical Studies, Calcutta.
10. Third Alternative, Election Manifesto (1962), published by PSP.
11. Basis for a Dialogue, (Paper read at J & K People's Convention, Srinagar), published by the author.

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FOREWORD

TWO issues have exercised the minds of the people of Jammu and Kashmir State more than any thing else, since it started framing its own Constitution in early fifties. The first relates to the controversy over Article 370 of the Constitution of India. The second is regarding demand of regional autonomy.

Those who believed that abrogation of the controversial Article would resolve inter-regional tensions and ensure a satisfactory status for the people of Jammu within the State must revise their opinion. For, practically all sections of the national politics, including the erstwhile Jana Sangh opponents of the Article, have unequivocally assured the leaders of Kashmir that they have no intention of abrogating it.

My own view has always been that it was neither easy nor desireable to abrogate Article 370. The Government of India have to honour their commitment in this regard to keep Kashmir a willing and emotionally integrated part of the country.

However, all the arguments in support of the autonomy of the State within India, under Article 370, also justify similar autonomy of the regions within the State—which may further he extended to lower tiers of administration.

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It is not merely in Jammu's interest. By reducing tensions between regions, it would have healthier effect on the Centre - State relations. Commenting on my views, The Times London, observed : "Mr. Puri argues with justice that until Jammu and Kashmir draw closer together, settle their differences, and agree to operate as equal partners, there will never be a stable basis upon which relations with India can be satisfactorily settled."

The idea of regional autonomy has the additional merit of being blessed by personalities like late Dr. Shyamaprasad Mukerjee, late Pandit Jawaharlal Nehru and Sheikh Mohammad Abdullah. Shri Jayaprakash Narain also supported it at a Kashmir Convention, convened by him in 1966 in New Delhi.

This brochure contains two articles. One relates to futility of controversy over Article 370, based on an article published in the **Indian Express**. The other deals with the rationale and historical background of the idea of regional autonomy. It was published in its original form in a chain of newspapers all over India, served by Indian News and Feature Alliance.

I have dwelt on these subjects through innumerable writings, statements and speeches during the last over twenty five years. But their significance and relevance seem to have increased in the post-election politics of the State; by the uneven performance of parties in diffesent regions and final disillusionment over the possibility of abrogation of Article 370. Hence this publication.

Karan Nagar,
Jammu-180005

BALRAJ PURI
July, 1977

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Wasted Years Over Article 370

THE alleged threat to Article 370 of the Indian Constitution, which confers a special status on Jammu and Kashmir State was the main plank of the campaign of Sheikh Mohammad Abdullah in the election to the present State assembly. That he was able to sweep the polls in Kashmir Valley, despite repeated and categorical assurances of practically all important national leaders, should give an idea of how sensitive the people there are on the issue.

The controversy over the Article is as old as the Article itself and has been a cause of many a complication in the politics of the State.

While introducing the Article, "as a temporary provision" in the Constituent Assembly, Sir N. Gopalaswamy Ayyangar said that "the final shape of the Article would depend on the recommendations of the Constituent Assembly of the State".

The Kashmiri leaders wanted to limit the federal jurisdiction over the State to the original terms of the Instrument of Accession, according to which the State ceded only three subjects, namely, Defence, Foreign Affairs and Communication to the Indian Union and retained the residual sovereignty.

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The Praja Parishad of Jammu, which was supported by the Bhartya Jana Sangh, on the other hand, opposed the Article 370.

The controversy over the Centre-State relations was sought to be resolved by what was called Delhi Agreement signed by Sheikh Abdullah and the Prime Minister of India in July, 1952. Under it, the Sheikh agreed to fly the national flag in the State, in addition to its own, accept limited jurisdiction of the Supreme Court over the State and incorporate fundamental rights of the Constitution of India into that of the State.

The Praja Parishad rejected this agreement and launched an agitation in Jammu in November, 1952 for what it called "full accession" of the State to the Union of India.

In Kashmir, there was sharp reaction to this agitation as it was considered to be a threat to the personality of the State and the conditions on which Kashmiri leaders had agreeed to opt for India against the appeal of Pakistan.

The Government of India was quick to assuage the feelings of Kashmiri leaders. It assured them that it "would not impose any decision on the people of Kashmir". The Prime Minister Nehru condemned the agitation of the Praja Parishad which "helped Pakistan". Replying to a debate in Parliament on agitation in Jammu, he said, "the Parishad is trying to exploit the sentiments of the people and instigating them to indulge in subversive activities. We are not going to tolerate this state of affairs."

Finally, in a letter to Sheikh Abdullah, Maulana Abul

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Kalam Azad said that the Government of India was willing to "declare that the special status of Kashmir will be made permanent and that the Government of India will be bound by it without any conditions."

Even this categorical assurance did not satisfy Sheikh Abdullah. He agreed, in his reply to Maulana Azad on July 16, 1953, that "if such a declaration had been made at an appropriate time, it would have undoubtedly strengthened our hands" and majority of masses would have favoured accession to India. But at that stage, he felt, "the declaration would not suffice to dispel the fears that have arisen in the minds of people of Kashmir".

Giving a public vent to his feelings, Sheikh Abdullah said, at a rally of the National Conference workers at Srinagar, on July 25, 1953 :

> The communal happenings of last year have shaken foundation of our relationship (with Indian union). The responsibility for this does not lie at our door but of those sections in India who are attempting to force the State to merge with India. The confidence created by the National Conference in the people here (for association with India) has been shaken by the hostile attitude of the Jana Sangh and other communal organisations in India.

He conveyed to New Delhi more explicitly, through his two emissaries, alternatives other than acceesion to India. Mirza Mohammad Afzal Beg and Bakshi Ghulam Mohammad: "It is now upto you and your colleagues," said Sheikh Abdullah in the letter quoted above, "seriously to examine them and decide if they lead to fair solution of the problem."

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The confidence was thereupon shaken on both the sides that led to the crisis of August 9, 1953, when the Sheikh was deposed from the Prime Ministership and put under detention.

From 1953 to 1975, quite a few liberal minded Indians from Jayaprakash Narain to the present writer, continued their efforts to resolve the deadlock and mooted many proposals about the State's relations with the Centre, from time to time, to persuade Kashmiri leaders to re-affirm their faith in sccession to India.

The final phase of dialogue between Sheikh Abdullah and the Government of India started in 1972 when he agreed to confine it to the State's relations with the Centre and not to challenge the fact of accession. In an interview to the London Times, on March 10, he said that his "quarrel with India was not on the issue of accession but on the quantum of autonomy of the State within India."

On the conclusion of the dialogue, which protracted for three years, the two parties signed what is called the Kashmir Accord. While Sheikh Abdullah withdrew the demand for plebiscite and later wound up the Plebiscite Front, the Government of India reiterated that "the State of Jammu and Kashmir, which is a constituent unit of the Union of India, shall in its relations with the Union, continue to be governed by Article 370 of the Constitution." Further, while "alteration or repeal of provisions of the Constitution applied to the State with adaptations and modifications, can be considered on merit, **provisions already applied to the State of Jammu and Kashmir without adaptation or modification are unalterable**". (Emphasis added).

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It should, therefore, be obvious that those who agitated for abrogation of Article 370, from 1953 to1975, and those who considered assurances of the Government of India for its retention as inadequate, have both wasted 22 precious years of their life as also of the State and the country.

Is history repeating itself ? The Sheikh's relations with the Centre were again strained. His estrangement with the two main national parties viz. the Janata and the Congress, has isolated him from the mainstream of the national politics. He is equally alienated from the people of Jammu where he removed his senior colleagues from the membership of his party. He threatened during the election campaign, to "secede from India if attempts are made to undermine the special status of the state."

But similarities with pre-1953 situation end here. He could not complain that he was removed from power in March 1977 undemocratically. Further, none of the important political parties in the country is today demanding abrogation of the Article 370. Even the Jana Sangh, which spearheaded the agitation against it, 22 years ago, has, after its merger with the Janata party, not dissented from the official position of the party in favour of the retention of the Article.

There is now no known threat to Article 370, unless one equates threat to Sheikh Abdullah's political supemacy in the Valley, with a threat to Kashmir and its special status. If he considers his alienation from Jammu and Delhi, as an indication of an insecure status of Kashmir, he is merely making out a case for his main rivals in the Janata, who are equally committed in favour of Article 370 but can far better ensure support of the people of Jammu as also the Government of India for it.

(Indian Express, June 16, 1977)

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Regional Autonomy

Theory and Background

INTER-regional relations in Jammu and Kashmir State, which have always been a sensitive issue, might be put to a fresh strain as different parties have been returned in the two principal regions of Kashmir and Jammu, in the State Assembly elections.

Sheikh Mohammed Abdullah and his party National Conference clearly banked on a sentiment of Kashmiri chauvinism. He went to the extent of threatening secession of the State from the country if its special status was undermined.

As his adversaries also vie with him in winning over Kashmiri sentiments and instead accused him for eroding Article 370 of the Constitution, by accepting the terms of the Kashmir Accord in 1975 and enacting Land Grants Bill, regional feelings were further accentuated causing an inevitable backlash in Jammu region, which is not devoid of its own brand of militants.

Before regional tensions form a vicious circle and affect the Centre-State relations, as they did in 1953, responsible political parties should consider an appropriate constitutional set up for the State that ensures an equitable

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share of political power to its three regions and reconciles their respective aspirations.

The necessity for devolution of power to the regions and to the lower administrative tiers has its own justification apart from its contribution to the emotional integration of the State.

Fortunately, Janta Party and National Conference, the two main political parties in the State, are already committed to this principle. The former has accepted decentralisation as the basis of its political philosophy while the present leaders of the National Conference had adopted a five-tier internal constitutional set up for devolution of political power in the State many years ago.

The idea of democratic decentralisation was given a concrete content and institutional form at the national level by the Balwant Rai Mehta Committee, set up by the Government of India in 1958, which submitted its report four years later.

It envisaged three-tier administrative set up. At the base was the Panchayat directly elected by the people, The block Panchayat or the Block Samiti was proposed to be a representative body of the people at block level, which was to be partly elected directly and partly by the Panchayat of the area through indirect elections. Similarly Zila Parishads were to function at the district level, comprising representatives of blocks as also of the people directly.

Most of the States of India passed legislations to put these recommendations into practice. The precise constitution, functions and powers of the three tier institutions varied from state to state.

In a number of states, institutions also exist at divisional or regional levels, in between the district and the state. These institutions have administrative, developmental and in some cases political powers also. In Maharashtra and Gujarat, or instance, statutory Regional Development Boards have been set up. Non-statutory regional boards also exist in many states. In undivided Punjab and Assam, Regional Committees were formed but were wound up without giving them a fair trial. The Regional Committee of Telengana, comprising of the elected Legislators of the region, has wider powers. The six-point formula evolved in September, 1973 provided

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for equitable opportunitiss in different areas of the State in the matter of education, employment and career prospects in different services and also for setting up a high power administrative tribunal to deal with the grievances of services regarding appointment, seniority, promotion and other service conditions.

In J & K State the idea and the institutional proposals for democratic decentralisation have been evolved mainly due to the political compulsions rather than ideological considerations. In this State the three regions, namely, Kashmir, Jammu and Ladakh have more pronounced and distinct personalities than regions of the other States. Administratively also their distinctiveness has been recognised. But the lack of corresponding political set up at the regional level and failure to recognise diverse regional aspirations have been the major source of many a complication in the politics of the State.

The idea of democratic decentralisation did not grow from the bottom as was the case in other states, but was a result of realization of the problem at the top. The controversy over the inter-regional relations was a direct outcome of that over Centre-State relations. The relation of the State with the Centre is governed by Article 370 which guarantees special status to it within India This has been a sensitive issue in the Valley as was apparent from the emphasis on it by the election campaigns of the rival parties.

In Jammu on the other hand the vocal opinion favoured more power to the Centre: It was somehow believed by a section of Jammu leadership that to the extent autonomy of the State was reduced, the capacity of Kashmiri leaders to dominate over Jammu would also be reduced. The divergent trends in the two principal regions of the State over the Centre-State relations contained the genesis of the crisis that burst out in 1953 and ruptured the emotional integration of the Valley with the rest of the country:

Anticipating explosive potentialities of the inter-regional tensions, the present writer pleaded in a Memorandum to the Prime Minister Jawaharlal Nehru on July 15, 1952, on the eve of Delhi agreement between Sheikh Mohammad Abdullah and the Government of India, for "a better and more realistic relations between all regions granting them some sort of autonomy" The demand for

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regional autonomy was repeated following the Praja Parishad agitation for abrogation of Article 370. Dr. Shyama Prashad Mukerjee, the then leader of the Bhartiya Jana Sangh, eventually veered round this idea. In his letter to the Prime Minister Nehru dated 17th February 1953, he offered to withdraw the Praja Parishad agitation and support Article 370 on the condition that "the principle of autonomy will apply to the province of Jemmu as a whole and of course also to Ladakh and Kashmir Valley".

The movement of Praja Parishad was actually withdrawn on an assurance from Government of India as well as the State Government, conceding its demand for regional autonomy. In a statement issued on July 2, 1953, Mr. Nehru appealed to the people of Jammu to withdraw their agitation as the "State Government was considering grant of autonomy to its regions, particularly to Jammu while framing the constitution of the State". On the following day the then Deputy Prime Minister of the State Bakhshi Ghulam Mohammad said that Mr. Nehru's announcement reflected the policy of the State Government. He added that "Sheikh Abdullah has consented to the proposed scheme of autonomy for the constituent units of the State to ensure its unity."

The Constituent Assembly of the State accordingly appointed a sub-Committee consisting of M/s D. P. Dhar, Mir Qasim and G. L. Dogra. which recommended a substantial measure of autonomy to each region with the power of taxation and legislation.

Somehow these assurances were not implemented. Jammu Autonomy Forum which was specifically set up to get these assurances implemented proposed a federal structure for the State and envisaged a five tier set up to decentralise political power to the regions, districts, block and panchayats, with the objective of resolving tensions between as well as within regions.

Gajendragadkar Commission which discussed the Memorandum of Jammu Autonomy Forum, conceded in its report that regional autonomy would cement Jammu's relation with Kashmir. But it didn't accept the demand for autonomy mainly on two counts. Firstly, it lacked sufficient popular support in Jammu. Secondly, it might have adverse reactions in the Valley.

A serious dialogue on inter-regional relations was started in Jammu and Kashmir State People's Convention,

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convened by Sheikh Mohammad Abdullah in October, 1968. After two years of deliberations, its Steering Committee, of which the present writer was a lone member from Jammu, submitted a draft constitutional set up of the State, which was unanimously adopted by the Convention that represented practically the entire spectrum of public opinion of the Kashmir Valley. Realeasing the report of the committee, Sheikh Abdullah said "discussions on external status of the State without deciding inter-regional relation of the State was like putting the cart before the horse." He further said that maximum autonomy to the three regions of the State was essential to give a sense of participation and sense of belonging to the peoples of diverse culture, languages and to ensure their emotional integration.

The Convention adopted the five-tier constitutional set up which sought to reconcile the diverse aspirations of different regions of the State and to diffuse power to the maximum extent.

After its revival in 1975, the National Conference in an official brochure entitled "Why National Conference ?", released by its then President Mirza Mohammad Afzal Beg, stated that "it proposes to reorganize the internal set up of the State which would provide regional autouomy and further decentralise political power through appropriate institutions at the district, block and panchayat levels.

Though the idea of five-tier internal constitutional set up of the State, was evolved out of its political compulsions, its final form is not much different from the idea and the institutions of democratic decentralisation proposed by the Balwant Rai Mehta Committee and accepted elsewhere in the country. The motivations were slightly defferent. The two concepts also began from from two opposite ends. While it leads to, on the one hand, diffusion and decentralisation of political power, strengthen democracy at grass roots and ensures maximum participation of the people in the administrative affairs, in a State like Jammu and Kashmir, this idea would, on the other hand, also promote internal harmony and help in evolving a composite personality of the State which would ensure a lasting basis for the State's emotional integration with the rest of the country. It is thus a sound philosophy as also sound politics.

(Tribune, June 29, 1977)

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By Balraj Puri

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1. What Jammu Has Suffered, **Hiudustan Times,** November 26, 1965
2. Democratisation and Regional Hormony, **Indian Express,** June 3, 1967.
3. Historical Background of Regional Autonomy Move, **Kashmir Times,** July 16, 1967,
4. Regional Autonomy for Jammu, **Indian Express,** August 17, 1967.
5. Decentralisation with in a State, **Statesman,** April 26, 1969
6. Case for Sub-States, **Economic & Political Weekly,** December 12, 1970.
7. The Importance of Being Jammu, **Indian Express,** August 1, 1972.
8. Regional Tensions in J&K State **Economic & Political Weekly** Annual, February 1973,
9. Schizophrenia in Jammu ? **Economic & Political Weekly,** Annual, February 1974.
10. Northern Hilly Area of Jammu, Kashmir. **Publication Division,** Govt. of India.
11. Dogri's Phenomenal Progress, **Tribune,** December 13, 1970
12. Language Policy for J&K State, **Kashmir Times,** March 23, 1973.

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REGIONAL IMBALANCE ?

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IMBALANCE among the three regions of the Jammu and Kashmir State is being alleged these days by certain quarters. The Government, therefore, thought it opportune to place the relevant facts and figures before the people. It is for them to judge the veracity of the allegations in the light of these facts.

It may be recalled that with the generous assistance of the Central Government, the present State Administration headed by Sheikh Mohammad Abdullah directed its sight to the urgent task of speedier development of all the areas and regions with an added emphasis on backward and remote areas. The allocations were accordingly made under various sectors in spite of the disparities in population which stood at 24.36 lakhs for Kashmir Valley, 20.76 lakhs for Jammu Division and 1.05 lakhs for Ladakh according to the 1971 Census. If this population composition were taken as a yardstick for making the allocations, the respective share of the regions would have been thus :

(In lakhs of rupees).

Financial year	Total outlay excluding Common Sector	Region-wise outlay due to regions		
		Jammu	Kashmir	Ladakh
1975-76 ...	3838.47	1725.77	2025.17	87.53
1976-77 ...	5019.53	2256.78	2648.30	114.45
1977-78 ...	7157.05	3217.80	3776.05	163.20
1978-79 ...	9136.97	4107.99	4820.68	208.30

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Ever since the present Government assumed office, a conscious effort has been made to allocate funds among the regions and areas in a manner that equitable sharing of resources is ensured. Here it may be mentioned that the removal of the traces of disparities wherever these might have existed is the sheet anchor of the State policy at present. The system of decentralised planning and development that has brought about devolution of executive power down to the grassroots level has given this radicalism the meaning and purpose.

Even while all these factors have been kept in mind at the time of determining the outlays for every sector the need for equitable distribution of funds and equal opportunities of development for every area has been well looked after. The allocation for every area is made under the State and district plans in addition to the schemes falling under the common sector, which aims at providing inter-district and inter-regional coverage of such categories as power development, research and direction at the highest level. On the basis of these reasons the allocations have been made over the past four years as under :

Financial year	*Outlays in lakhs of rupees*				
	Jammu	Kashmir	Ladakh	Common	Total
1975-76 ...	1812.59	1753.88	272.00	1808.99	5647.46
1976-77 ...	2271.06	2388.47	360.00	2904.99	7924.52
1977-78 ...	3102.83	3584.22	470.00	1811.49	8968.54
1978-79 ...	4431.84	4012.99	692.14	1663.40	10800.37

With a view to giving a more detailed account of what has been stated, here is a resume of the plan allocations under

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various sectors made during the past four years which ellucidates the above point:—

TABLES SHOWING SECTOR-WISE PLAN OUTLAYS WITH REGION-WISE BREAK-UP.

(In lakhs of rupees).

Sector of development	Total outlay	Jammu	Kashmir	Ladakh	Common
FINANCIAL YEAR 1975-76					
1. Agriculture and allied sectors (including minor irrigation, parks and gardens)	762.09	309.82	319.46	...	132.81
2. Irrigation and flood control.	492.00	265.00	227.00	...	...
3. Power including REC	2020.16	522.21	300.79	...	1197.16
4. Industries, mining and metallurgy.	421.43	68.19	259.01	...	94.23
5. Transport and Communications.	552.00	221.00	222.34	...	108.66
6. Tourism.	74.00	10.97	42.48	..	20.55
7. Education including Arts, Culture and Technical Education.	349.50	159.12	144.06	...	46.32
8. Health and Medical Education.	113.46	49.94	8.93	...	54.59
9. Water Supply.	239.00	115.00	124.00	...	...
10. Housing and Urban Development.	145.50	22.50	58.50	...	64.50
11. Backward communities and weaker sections.	101.50	31.57	10.03	...	59.90
12. Miscellaneous.	104.82	37.27	37.28	...	30.27
13. Ladakh Sub-Plan.	272.00	...	...	272.00	...
Total 1975-76	5647.46	1812.59	1753.88	272.00	1808.99

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(In lakhs of rupees).

Sector of development	Total outlay	Jammu	Kashmir	Ladakh	Common
FINANCIAL YEAR 1976-77					
1. Agriculture and allied sectors including minor irrigation, parks and gardens.	981.52	364.48	462.75	...	154.29
2. Irrigation and flood control.	908.00	508.00	400.00	...	...
3. Power including REC.	2717.00	367.00	354.00	...	1996.00
4. Industries, mining and metallurgy.	514.00	102.67	255.05	...	156.28
5. Transport and Communications.	627.00	251.00	252.00	...	124.00
6. Tourism.	210.00	63.64	103.44	...	42.92
7. Education including Arts, Culture and Technical Education.	381.00	144.00	137.50	...	99.50
8. Health and Medical Education.	325.00	118.56	63.43	...	143.01
9. Water Supply.	404.00	197.00	207.00	...	...
10. Housing and Urban Development.	207.00	21.00	92.00	...	94.00
11. Backward communities and weaker sections.	124.00	68.57	11.23	...	44.20
12. Miscellaneous.	166.00	65.14	50.07	...	50.79
13. Ladakh Sub-Plan.	360.00	...	...	360.00	...
Total 1976-77	7924.52	2271.06	2388.47	360.00	2904.99

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(In lakhs of rupees).

Sector of development	Total outlay	Jammu	Kashmir	Ladakh	Common
FINANCIAL YEAR 1977-78					
1. Agriculture and allied sectors including minor irrigation, parks and gardens.	1311.50	470.24	463.01	...	378.25
2. Irrigation and flood control.	1495.00	877.40	571.14	...	46.46
3. Power including REC.	1733.00	371.97	711.03	...	650.00
4. Industries, mining and metallurgy.	621.00	82.00	347.55	...	191.45
5. Transport and Communications.	760.00	314.09	266.91	...	179.00
6. Tourism.	291.50	48.96	205.04	...	37.50
7. Education including Arts, Culture and Technical Education.	608.00	235.99	200.45	...	171.56
8. Health and Medical Education.	593.00	245.05	335.24	...	12.71
9. Water Supply.	566.00	241.46	251.54	...	73.00
10. Housing and Urban Development.	235.00	60.00	142.50	...	32.50
11. Backward communities and weaker sections.	140.54	94.10	28.20	...	18.24
12. Miscellaneous.	144.00	61.57	61.61	...	20.82
13. Ladakh Sub-Plan.	470.00	...	...	470.00	...
Total 1977-78	8968.54	3102.83	3584.22	470.00	1811.49

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(In lakhs of rupees).

Sector of development	Total outlay	Jammu	Kashmir	Ladakh	Common
FINANCIAL YEAR 1978-79					
1. Agriculture and allied sectors including minor irrigation, parks and gardens.	1811.37	680.02	824.99	...	306.36
2. Irrigation and Flood Control.	1557.00	1046.00	511.00	...	...
3. Power including REC.	1840.86	700.45	616.41	...	524.00
4. Industries, mining and metallurgy.	585.00	157.25	215.37	...	212.38
5. Transport and Communications.	920.00	408.20	416.80	...	95.00
6. Tourism.	300.00	42.75	183.21	...	74.04
7. Education including Arts, Culture and Technical Education.	811.00	370.96	325.85	...	114.19
8. Health and Medical Education.	640.00	265.20	117.80	...	257.00
9. Water Supply.	931.00	452.48	478.52	...	...
10. Housing and Urban Development.	350.00	121.35	199.65	...	29.00
11. Backward communities and weaker sections.	188.00	120.31	50.99	...	16.70
12. Miscellaneous.	174.00	66.87	72.40	...	34.73
13. Ladakh Sub-Plan.	692.14	...	...	692.14	...
Total 1978-79	10800.37	4431.84	4012.99	692.14	1663.40

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TERRORISM AND HUMAN RIGHTS VIOLATIONS IN JAMMU AND KASHMIR

DR. M.K. TENG
C.L. GADOO

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Joint Human Rights Committee
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Hizib - ul - Mujahidin

Ultimatum to Kashmiri Pandits to leave Kashmir in two days.
Published in Al-safa, 14 April, 1990.

Pandits, responsible for having perpeterated oppression and atrocity on the Muslims should quit in two days.

A spokesman of Hizib-ul-Mujahidin has stated that in a meeting of its Area Commanders, held yesterday, a decision was taken to give an ultimatum to the Kashmir Pandits to leave Kashmir in two days. The spokesman said that all Pandits of Jammu and Kashmir should leave from here in two days. According to the spokesman behind the oppression and persecution of the Muslims, Pandits have a hand. He said that all the Pandits have become the instruments of Indian imperialism. He said that Pandits have received training in arms outside the valley and have drawn up plans to *forment* disturbances of a serious nature. He said that the Area Commanders feel that the Pandits have a hand in the recent arrest of Mujahidin as well as the raids on their quarters. The spokesman said that the oppression against the Muslims is unleasheed by them.

Sermon broadcast on the public address system of the Mosques in
Srinagar 27-28 January 1990
(Extracts)

The aim of the Jehad is Azadi and it is enjoined by Almighty on all followers of Tauheed to participate in the Jehad. The crusade is for the establishment of Kashmir into an Islamic society. The heritics can only live in the Islamic society if they accept the Islamic laws. The non-Muslims, here have always helped the usurpers from outside to enslave the Muslim masses in Kashmir. For them therefore, the only way is to quite this "pak sarzameen" the sacred land.

The Muslims, according to their creed have, always protected the non-Muslims. But the non-Muslims have taken a course of treachery and always supported the imposters, to enslave us. Now they are bewildered because the day of reckoning is on their head.

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TERRORISM

In 1946, on the eve of the British withdrawal from India, the All India Muslim League, which spearheaded the struggle of the Indian Muslims for a separate Muslim State in India, mounted a massive campaign of terror, when it launched "Direct Action" to enforce the division of India. Millions of people were killed, maimed and disabled, thousands of women abducted and subjected to assault and many more millions were uprooted from their hearths and homes. Neither the British nor the Congress were able to withstand the political consequences of the direct action and, accepted the division of India and the creation of Pakistan. The creation of Pakistan was a greater victory for Islam in India than the establishment of the Mughal empire.

The Princely States were not brought within the operation of the partition and the Princes were, at the instance of the Muslim League, ensured the right to place themselves in the balances of power, the creation of Pakistan created on the sub-continent. The Muslim League rejected the principle of population ratios and geographical contiguity as a basis for the accession of the States because it sought to absorb the Muslim ruled States in India; Hyderabad, Junagarh, Kalat, Bhopal, which had filled the coffers of the League and provided funds on which the League had won the referendum in the North-West Frontier province. Jammu and Kashmir, the League leaders believed, was always in their pocket, for the Muslims in the State could be signalled after the Muslim rulers had acceded to Pakistan, to overthrow their Hindu ruler and invite Pakistan to take over. The ruler of the Jammu and Kashmir State upturned the League plans, when he acceded to India in October, 1947.

The Militant violence raging in Jammu and Kashmir is another "Direct Action" that Pakistan and Muslim secessionists inside the State have launched to force a second partition on India. The compaign of terror spread in Jammu and Kashmir follows the same pattern which the Direct Action followed in 1946; genocide of Hindus, their ethnic cleansing by forced exodus from the Muslim majority provinces of India, and the destruction of their religious indentity.

The disinformation compaign to provide cover to the terrorist violence in the State is a part of the conspiracy to mislead the Indian people about the real motivation of the militancy launched by the Pakistan and the Muslim secessionist forces. The claim that Muslim

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secessionism in Jammu and Kashmir has its basis in the so-called "secular tradition" of Kashmir and is an expression of the alienation of the Muslims of Kashmir, brought about by the Hindus in India, is a fraud perpetrated on the people of India to conceal from them the real content of Muslim crusade in Kashmir. Once Jammu and Kashmir is annexed by Pakistan, the Muslim power will sweep across the northern States of India and extend its reach upto the borders of China.

In 1947 the population of the Hindus in the valley was 15 percent, it come down to 5 percent in 1981 and was reduced further to mere 0.1 percent in 1991 after forced exodus of Kashmiri Hindus by terrorist organisations. It will be a travesty of human history to ignore the crucial factor of terrorist violence in Kashmir, which must ultimately determine the context in which the violation of human rights has taken place.

HUMAN RIGHTS

Terrorism is a violation of human rights. Terrorism in Kashmir, motivated by ideological commitment to a Muslim crusade, is a graver violation of human rights. All crusades are a negation of human rights as all crusades underline ideological absolutism. The Universal Declaration of Human Rights was adopted by the world community to save mankind from the scourge of crusades. The second world war was a war of the crusades. The Muslim crusade, which seeks extermination of the religious and ethnic minorities in Jammu and Kashmir and establishment of the primacy of Islam in the government and the society of the State, contravenes the principle of equality and due process of law, which is the basis of the Universal Declaration of Human Rights. Terrorism, whatever its ideology and objective, is a crime against international law, a crime against humanity, a crime against the laws of war and a crime against the Declaration of Human Rights.

The terrorist violence in Jammu and Kashmir, raging for the last five years, has led to severe consequences which are inextricably interlinked with the violation of human rights. The patterns of warfare in which terrorism has manifested itself in the State has several dimensions, some of which are characteristically original to the violence unleashed by the terrorist organisations and their mentors.

First, terrorism in Jammu and Kashmirs is a religious crusade, which has specific political commitments to detach Jammu and Kashmir state from India and secure its annexation to Pakistan. It is, as a matter of fact, a continuity of the Muslim struggle in pre-independence India, which sought the division of India and the creation of a separate

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and independent State for the Muslims in India. The Indian Muslims claimed the Muslim majority provinces of the British India for Pakistan: the separate homeland for the Muslims. Pakistan, after it was created in August 1947, claimed the Jammu and Kashmir State on the basis of the Muslim majority character of its population. The Muslim crusade in Jammu and Kashmir aims to complete the partition of India, which the terrorists and the State of Pakistan contend, is incomplete so long as the state is not merged with Pakistan.

The Muslim crusade has transnational implications. The militarisation of pan-Islamic fundamentalism in South-Asia, with its focal centre in Pakistan, is aimed to force a second partition of India, and open the way for the eventual disintegration of the Indian Union.

The second aspect of the terrorist violence in Jammu and Kashmir is committed to the Islamisation of the State. The terrorist organisations have given ample expression to their ideological commitment to establish an Islamic State in Jammu and Kashmir, which is governed in accordance with the law and precept of Islam and where the communal precedence of the Muslims is recognised. The terrorist violence is, therefore, committed to ethnic extermination of Hindus from Kashmir.

Hindus do not accept the Muslimisation of the state and the establishment of a social order in the State governed by the authority which derives its sanctions from the law and precept of Islam. Nor do the Hindus accept the secession of the State from India and its annexation to Pakistan. The Hindus have always supported the accession of the State to India. They have, undeniably, formed the most powerful support base for nationalism in Kashmir. They rose as one man against the invasion of the State in 1947, and fought shoulder to shoulder with Indian soldiers against infiltrators in 1965. They were always in the forefront of the struggle against secessionism, communalism and fundamentalism.

The strategies, adopted by terrorist flanks to exterminate the Hindus, included :

(a) mass massacre ; (b) brutal torture to achieve submission of Hindus to terrorists; (c) deportation by force, fear of death, conversion and criminal assault on women; (d) destruction of Hindu places of worship and shrines to demolish their social identity; (e) attachment of their landed property; (f) destruction of their houses by incendiaism to ensure that they do not return; (g) appropriation of their properties, business establishments, shops and commercial interests; (h) attach-

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ment of the land and property of Hindu temples and shrines; (i) declaration of a crusade against them.

As far killing of Muslims it has been specially selective and except for certain doubtful cases, only such Muslims have been killed, who have opposed Muslim secessionism in the State. More notable of the Muslims assassinated by the terrorists have been, Maulana Masoodi, a veteran freedom fighter and a close associate of Sheikh Mohammad Abdullah; Moulvi Farooq, Mir Waiz of Kashmir; Mir Mustafa, former member of the State Legislative Assembly; Pir Hissam-ud-din Bandey and Abdul Jabbar, former ministers of the State Government; A.S. Yattoo, former Speaker; Abdul Sattar Ranjoor, Secretary of the Communist party; Mohammad Shaban, Editor 'Al Safa'; Mohd-din-Bandey, the Muslim Gujjar who reportedly gave the first information about Pakistani infiltrators to the State Government in 1965.

GENOCIDE OF HINDUS

Genocide is the destruction in whole or in part of a national ethnic, racial or religious group. The United Nations General Assembly approved a resolution on 11th December, 1946, declaring genocide a crime under International Law. A Convention on the Prevention and Punishment of Genocide adopted by the General Assembly came into effect on 12th January, 1951. The Convention proclaims genocide as a crime against International Law. The Convention lists destruction of an ethnic, racial or religious group as genocide. Specifically, genocide includes :

1. Killing members of a community or a group because of their affiliations;
2. Causing bodily or mental harm to the members of a community or a group;
3. Deliberately inflicting conditions on the community or the group to bring about its physical destruction;
4. Imposing measures to prevent births in the community or the group;
5. Forcibly transferring children from one group to another.

Terrorist organisations in the State and those appearing from Pakistan have unleashed an organised campaign to exterminate Hindus in Kashmir. Besides the obligation to prosecute a religious war against these heitalies, terrorists have sought to achieve several tactical advantages by eliminating Hindus. Hindus used to form a vital and powerful

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base for India in Kashmir. They fought secessionist movements in the State with their bare teeth. They alone tried to resist the onslaught of pan-Islamic fundamentalism as well as the Islamisation of the Government and the society in the State. They have always been instrumental in keeping feedback channels of Government of India open and maintaining a regular and uninterrupted flow of information to its agencies.

The mass attack on the Hindus began in January 1990, and by the onset of August, 1990 more than eight hundred of them had been murdered in cold blood. Most of the victims were innocent people who lived in poverty and persecution under the Muslim dominated constitutional organisation of the State. Among those killed were people from all sections of the society, lawyers, political activists, media men intellectuals, shopkeepers, errand boys and men of small means.

The terrorist killings have been accompanied by torture unheard of in the annals of human history, which tantamount to grave crimes against all law and against humanity. In sheer disregard of the norms of political behaviour, generally recognised by civilized nations and now embodied in several international Covenants, the charter of Human Rights Declaration, and resolutions of the United Nations General Assembly, the terrorists have inflicted grievous hurt, injury and death/ torture on hundreds of Hindus and other dissenters. Torture deaths have been brought about by inhuman practices described below :

(a) Strangulation by using steel wires; (b) Hanging; (c) Impailing; (d) Branding with red hot irons; (e) Burning alive; (f) Lynching; (g) Draining of blood in contrived terrorist underground hospitals; (h) Gouging of eyes before assassination; (i) Slicing; (j) Dismemberment of body; (k) Breaking of limbs; (l) Drowning alive; (m) Dragging to death; (n) Slaughter.

On 14th September, 1989, Tikka Lal Taploo, Senior Vice President of the J & K unit of Bharatiya Janata Party, and a senior advocate of the J & K High Court was shot dead while coming out of his residence at Chinkral Mohalla, Srinagar. On 4th November, 1989, Neelkanth Ganjoo, retired District and Sessions Judge of Kashmir was shot dead in a busy commercial market of Srinagar, in broad day-light. On 27th December, 1989, Prem Nath Bhat, an advocate, author, journalist, social worker and intellectual of rare abilities was shot dead in the heart of Anantnag town of South Kashmir. M.L. Bhan of Doompora, Srinagar, was travelling in a bus with his 12-year old son on 15th January, 1990. He was shot dead in the bus itself and thrown out on the road. T.K. Razdan was shot dead on 12th February, 1990,

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near Gawkadal, Srinagar, His dead body was dragged through streets upto a mosque near Sathoo (Srinagar) and left for display there. Mrs. Sarla Bhat, a staff nurse at the Medical Institute, Soura, Srinagar, was gang-raped on 14th April, 1990. Her dead body was found on the road at Lal Bazar Srinagar. Dr. Shiban Krishen of Alikadal Srinagar, and his wife were killed in presence of their two children, aged 10 and 8 years.

Brij Nath Shah was kidnapped on 27th April, 1990 from his home at Sadhu Ganga, Kupwara in Kashmir. Two days later his body was found hanging by a tree. His lips had been stitched.

Sham Lal of Chiragam in Anantnag, Kashmir was kidnaped in May 1990. The hands and feet of the unfortunate man were chopped off and his skull battered. Sham Lal's dead body was stuffed in a sack and left on the threshold of his house.

Pran Nath of Uttarsu in Anantnag District was kidnapped on 27th May, 1990. His body was found impaled; his chest and feet nailed.

Three officials of the Life Insurance Corporation of India were kidnapped in Srinagar. They were subjected to torture and then confined in an abandoned Kashmiri Hindu migrant house. The house was set ablaze. Two of the officials were burnt alive while the third official escaped with more than 50 percent burns.

Bhushan Lal of Ompura in Badgam, Kashmir, was kidnapped on 27 April 1990. He was tortured and then stangulated to death. His body was found the next day .

Girja, a school teacher at Bandipora, was kidnapped from the house of a Muslim colleague. The unfortunate woman after being gangraped, was sliced on a mechanical saw.

Sarwanand Kaul Premi, 64-year old teacher, well-known scholar and Kashmiri poet of great eminence, and his son, Virendra Kaul (27), a P & T employee, were dragged out of their home in Soaf Shali (Anantnag district) late in the night on 29th April, 1990. Their dead bodies were found after two days, with their eyes gouged out.

Lassa Koul, Director, Doordarshan Kendra, Srinagar, was shot dead outside his house in Bemina, Srinagar, late in the evening on 13th February, 1990. Brij Nath Koul of Herman, Shopian, an employee of the Agricultural Department and his wife were tied to a speeding vehicle. Their mangled bodies were recovered ten kilometers away from their home. Santosh Thakur, advocate and general secretary of Doda district BJP was shot dead during December 1992. On 14th August, 1993, 16 Hindu bus passengers were dragged out of the bus

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near Kishtwar town of Doda district and killed on the roadside. On May 1993, a prominent BJP leader of Doda district and General Secretary, Hindu Rakhsha Samiti, Satish Bhandari, was shot dead. On 30th May, 1994, Doda district BJP Vice-President, Swami Raj Katial, was shot dead. On June 7, 1994, Bhaderwah BJP President, Ruchir Kumar was shot dead.

The dead bodies of several Kashmiri Hindus were salvaged from various places in Kashmir. Their heads had been severed off. Several dead bodies of Kashmiri Hindus were recovered, which had been branded by hot irons before death. Several bodies were found with eyes gouged out. The most dastardly and inhuman acts of terrorism were those committed in the hospitals where the Hindus brought in for treatment were either allowed to die for want of treatment or brutally murdered by doctors and others who collaborated with the terrorists. A number of cases have been reported where injured Hindus were allowed to bleed to death. Scores of cases have been reported where kidnapped Hindus were drained of their blood and their lives were terminated. Among the dead in Kashmir, the State Government is yet to disclose the identity of about four hundred dead bodies, recovered by the police and disposed of at its will. A survey of the migrant population reveals that there are several hundred Kashmiri Pandits, who are missing and presumed dead.

The worst sacrilege to which the Hindus have been subjected, and the process continues still, is that the kith and kin of Hindus killed in Kashmir, were not allowed to carry the dead bodies to Jammu for cremation according to Hindu rites. Evidently, the cremation of Hindus in Kashmir could not be carried out according to Hindu rites because the terrorists forbade Hindus to accompany the dead to perform their last rites. The Hindus' dead bodies were actually disposed of by the State police on their own and in total disregard to the injury and hurt the cremation of the dead bodies by the state police, caused to the religious feelings of the bereaved Hindu families.

Terrorism is a negation of life, and violation of the norms of human behavior recognised by all civilized people of the world. All value-based violence, which contravenes generally accepted norms of social order, human behaviour and right to life and equality of all men, is retrogressive. Judgments which are based upon preferences which violate life, equality of all men and freedom, do not have any revolutionary content. The political violence motivated by ideological commitments whatever their value content is necessarily retrogressive.

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There is no freedom which impinges upon freedom, no equality which upholds inequality. There is no life which portends death. Political terrorism even if it is for a religious crusade is as heinous a crime as any other crime against humanity. All political terrorism is organised crime. Terrorist violence cannot be justified on the ground of its political and ideological motivations or value-basis. International conventions and treaties, even those pertaining to human rights, do not recognise terrorist violence as legitimate political action, arising out of any ideological or political commitments or any value basis. Commitment to separation of Jammu and Kashmir from India to further the cause of Islam and in the name of Muslim unity and brotherhood, to ensure the Muslims' right to decide the future disposition of the state; commitments to liberate the Muslim majority state of Jammu and Kashmir from India or commitment to establish a Muslim State of Jammu and Kashmir based upon religious precept and precedence cannot legitimise and validate terrorism in Kashmir.

While the mass extermination of Hindus was in progress, the militant organisations began to mount pressure on the Hindus to drive them out of Kashmir. A vicious propaganda campaign was unleashed against the Hindus in the Press and Public, exhorting them to leave Kashmir. The Hindus were charged of treason with the cause of the freedom of Kashmir, and warned to clear out or face the fate of heretics and traitors to the cause of Islam. Evidently, there were several surreptitious moves to prepare ground for the conversion of the Hindus and as a first step in that direction, the Hindus were forced out of their homes to come out in open and join the militant demonstrators in the streets. The campaign started on 19th January, 1990, the day, the terrorists made a concerted bid to overthrow the government of the State and assume control over the Secretariat, the Radio and the Television station.

The widespread killings, assault on women, the fear of conversions, which increased every day, and the shocking experience of being forced to join the militant campaign against India, were the main reasons which drove out the Hindus from Kashmir. The total breakdown of the law and order machinery spread a sense of insecurity, which was so severe, that most of the Hindus escaped from the valley in dark hours of the night. The whole police organisation was dominantly Muslim, and its rank and file acted in collaboration with the militants.

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RIGHTS OF MAN

The Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948, and the United Nations Covenants adopted by the Assembly in 1966, and the United Nations Jurisdiction of Human Rights, imposes obligations on all people and all organs of the society above and beyond the authority of the nation states. The imposition of obligations in respect of the people and the acceptance of individual responsibility for human rights is fundamental to the whole content of the Universal Declaration and the United Nations Covenants.

The Universal Declaration of Human Rights and the United Nations Covenants on Human Rights underline themes which involve recognition of human rights and not mere juridical protection. The rights envisaged by the Declaration as well as the Covenants are universal in content and universal in application. Therefore, the obligation of their protection is not limited to the authority and power of the State. The obligation envisaged by the Declaration and the Covenants extends to all individuals, and all social and political instruments.

Human Rights do not underline safeguards against arbitrary and excessive exercise of state power alone. Human rights underline safeguards against the infringement of the rights of man by any people, organs of the society and instruments of the state. Individual responsibility is crucial to the entire organisation of the rights of man, envisaged by the Universal Declaration of Human Rights and the United Nations Covenants on Human Rights.

For whatever reasons there may be, the Universal Declaration of Human Rights, and the United nations Covenants on Human Rights, cannot be hollowed of their substantive content, and the whole range of corresponding responsibilities cannot be redefined to suit narrowly national and narrowly dated political interests.

The Human Rights movements suffered distortions under the impact of the cold-war, and a new jurisdiction, confined to the responsibility of the state, was sought to be created in contravention of the principles of individual responsibility the Universal Declaration envisages. Over the years, the human rights movement restricted its scope to the obligations of the state mainly because the circumscription of its international jurisdiction was dictated by the exigencies of the cold war.

The cold-war history of the human rights movement accounts for

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the partial acceptance of the Universal Declaration of Human Rights and the United Nations Covenants on Human Rights by the Amnesty International, Asia Watch and the numerous other human rights organisations in the Western World. The Charters of Amnesty International, Asia Watch and other human rights organisations, severely distort the principles of obligation embodied by the Universal Declaration and the United Nations Covenants.

Evidently the "Prisoners of Conscience" were found only in the countries governed by the Communists, and the countries, which did not join the western efforts aimed at the containment of Communism. No "Prisoners of Conscience" were found in theocratic states, where the minorities were suggested for doom in the name of religion, and the military regimes which were supported by the western powers. Similarly, the Amnesty International and the Asia Watch refused to register the mass genocide of Hindus in the Jammu and Kashmir State, torture and abduction of innocent people, assault on women, exodus of hundreds of thousands of Hindus from Kashmir, and the destruction of the places of their worship.

The human rights organisations in India also maintained complete silence over the mass extermination of Hindus in Kashmir. Instead, most of these organisations joined the disinformation campaign launched by terrorist organisations in Kashmir, Pakistan and the abettors of terrorism in Kashmir. In the midst of the holocaust, which had engulfed the whole Hindu population in Kashmir, the human rights organisations in India, the People's Union for Civil Liberties, Initiative for Kashmir, traded charges with the State Government, accusing the Indian security forces, the Indian state and the Hindus in and outside Kashmir, of having subjected the community of the Muslims, otherwise peaceful and patriotic, to oppression and exploitation. While the militant organisations, shrieked *Jehad* in Kashmir, the human rights organisations, published reports of how the Muslims in Kashmir had been thwarted by their Indian rulers, in their quest for freedom. A number of human rights activists visited Kashmir in the summer of 1990, when the Muslim crusade in Kashmir was at its peak, and conducted inquiries from the Hindus, who were awaiting evacuation. The inquiries were conducted in open and in the presence of armed desperadoes, who often escorted the human rights activists from one deserted Hindu locality to another. Evidently, the trap was well laid and the helpless men and women, with death hovering over their heads, could hardly spell out the truth of what had befallen them.

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Those of the unwary Hindus, who opened up against the Muslim crusade were liquidated within hours after the human rights activists had fulfilled their mission. Those among the Hindus, who took caution and acclaimed the secular tradition of the Muslim crusade, cursed the human rights organisations and made a clean breast of what they had endured, after they reached Jammu.

Amnesty International and the other human rights organisations outside India and the human rights organisations in India, expressed little concern about the genocide of Hindus in Kashmir, the exodus and the suffering they have endured on account of the devastation international terrorism has wrought in the state. The interest envinced by the Amnesty International and the human rights organisations, which are still bound to their cold war moorings, is understandable. In the new power-balance in Asia, western powers still have a stake in the northern frontiers of India; and Amnesty International, the Asia Watch and other human rights organisations have no claim to any immunity from the super-power interests in the post cold-war world.

The Universal Declaration of Human Rights does not envisage a partial guarantee against civil jurisdiction alone. Human rights are recognized as the basic and fundamental rights. They are also civil rights. The protection envisaged by human rights imposes a limitation on the exercise of authority by all regimes, including instruments of social control, private citizens, foreign states and international organisations. The terrorist organisations in the state, the Muslim crusade against India, abettors of terrorism, and Pakistan cannot be absolved of the liability of violation of human rights in Jammu and Kashmir.

The responsibility of the violation of human rights in Jammu and Kashmir rests upon:

(i) the terrorist regime in the state established by the terrorists, their abettors and foreign collaborators;

(ii) the Muslim organisations and paramilitary outfits which have aided and supported terrorism;

(iii) Pakistan and other foreign states, for having supported terrorist organisations and operations in Kashmir, and provided them arms, ammunition, training and funds.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

The Universal Declaration of Human Rights stipulates in several

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sets of Articles, the rights of all the members of the human family. The rights are grouped around six main principles: (i) equality of man (ii) freedom of thought, expression and faith, (iii) due process of law; (iv) freedom of peaceful assembly and association; (v) participation in the exercise of state power and (vi) the right to a fair economic advantage.

The equality of man is fundamental to the Declaration of Human Rights. The Declaration affirms that human rights are universal and applicable without any discrimination. All human beings, the Declaration proclaims, are born free and equal in dignity and rights. All people are entitled to all rights and freedoms envisaged by the Declaration, without any distinction of any kind, such as race, colour, sex, language, religion, political or other status.

Due process of law is the basis of the Declaration of Human Rights. Due process embodies seven principles which are basic to all rights. These principles are redressal against the state, no less against the private citizen; freedom from arbitrary arrest; fair trial; presumption of innocence till proved guilty; protection against ex-postfacto penalty; respect for privacy; and freedom of movement.

The Declaration of Human Rights envisages the freedom of thought, freedom of conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association. The Declaration of Human Rights embraces freedom from want no less than freedom from fear, and envisages for all people right to social security, right to work, right to free choice of employment, right to just and favourable conditions of work, right to rest and leisure, right to adequate standard of living and right to education.

The Universal Declaration of Human Rights is not a partial guarantee and it does not envisage protection for a specific community or a section of the people of the world. The safeguards for human rights are universal and are available to all people of the world irrespective of their nationality, the regime by which they are governed and the religion and the race to which they belong. The Universal Declaration of Human Rights does not envisage protection of the rights of any single community in the world and its insulation against infringement of these rights. It does not provide protection only to the Muslims in Jammu and Kashmir against violation of their rights; it extends protection to all the communities in the State, more so, the Hindus and other minorities, who are more exposed to religious, political and economic dominance of the Muslim majority of the State. Genocide, forced mass

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exodus of minorities from their homes, and torture are grave violations of human rights. The Universal Declaration of Human Rights protects the Muslims in Jammu and Kashmir against the infringement of their rights, but it also envisages protection for Hindus and other ethnic and religious minorities in the State against extermination, religious persecution and slavery because they refuse to submit to precedence of a Muslim State. The Declaration is a guarantee against all ideological aggrandizement including precedence claimed by the Muslims in Muslim States.

The Muslim crusade in Jammu and Kashmir is a negation of human rights because its objectives are:

(i) to merge the State into the Muslim nation of the Pakistan, on the basis of the Muslim majority of its population;

(ii) convert Jammu and Kashmir into a Muslim state governed in accordance with the religious precepts of Islam;

(iii) reduce the human rights of the ethnic minorities in the State and subject them to the religious injunctions of Islam.

All crusades are a negation of human rights. The religious crusades which seek to establish religious precedence, including the crusade in Jammu and Kashmir, are violation of human rights. The rights envisaged by the Universal Declaration are irreconciable to all political regimes which are based upon religious precedent. Fundamental rights, including human rights, conflict with all forms of religious protectorates and restricted citizenship.

UNITED NATIONS ON TERRORISM

There is a growing corpus of Municipal as well as International Law and precedent to deal with politically motivated terrorism. The civil jurisprudence and international law generally identify political terrorism as a crime, more serious than traditional civil and international crime. Murder of innocent people, torture deaths, kidnapping, abduction and rape of women are heinous crimes which do not come within the traditional definitions of crime. Many countries have extended their penal codes to most terrorist offences. Legislation has also been undertaken to provide for special police powers and special judicial procedures to deal with terrorist crimes. New special anti-terrorist organisations have been created within police departments and other international security organisations. In many states military participation in police functions has increased. Special military units for possible use in anti-terrorist operations have been created in a number

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of countries. All these measures have been necessary to combat terrorism and safeguard the lives of law-abiding citizens and innocent people and save states from being broken up by sponsored terrorism. Nations with long democratic traditions including the United States of America, one of the foremost super-states supporting human rights, have always demanded adoption of severely stringent measurs to combat terrorism.

It is relevant to note that the United States of America proposed a set of highly stringent rules to deal with terrorism in the draft on an International Convention submitted by the United States Government to the ad-hoc committee of the United Nations on International Terrorism in 1973. Understandably, most of the Muslim States disapproved of the draft convention.

The United Nations lists killing, kidnapping, torture and abduction as crimes. According to resolutions of the General Assembly of the United Nations on measures to prevent terrorism, the United Nations (a) Unequivocally condemns as criminal all acts, methods and practices of terrorism wherever and by whoever committed including those who jeopardise friendly relations between states; (b) Deeply deplores the loss of innocent human lives which results from such acts of terrorism; (c) Invites all states to take all appropriate measures at the national level with a view to speedy and final elimination of the problem of international terrorism such as the harmonisation of domestic legislation with existing international conventions, the fulfilment of assumed international obligations, and the prevention of the preparation and organisation in their respective territories of acts directed against the states; (d) Calls upon all states to fulfill their obligations under International Law to refrain from organising, instigating, assisting or participating in terrorist acts in other states, or acquiescing in activities within their territory directed towards the commission of such acts; (e) Urges all states not to allow in any circumstances to obstruct the application of appropriate law enforcement measures, provided for in the relevant conventions to which they are party, to persons who commit acts of international terrorism covered by those conventions.

A number of other resolutions and conventions of the United Nations General Assembly and the Security Council, the Adhoc Committee on International Terrorism, various reports of the Secretary General of the United Nations and the Covenants of various inter-state organisations on political and international terrorism, have urged the members of the international community to undertake stringent and effective legal and administrative measures to combat terrorism.

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National Response

The militant violence in Jammu and Kashmir, it must be admitted frankly and without any hesitation, is fundamentally communal in character and secessionist in its objective. The Muslim secessionist movements led by All Jammu and Kashmir Plebiscite Front, the Awami Action Committee and the militant youth organisation including the Youth League, were mainly aimed to disengage the State from India and unite it with Pakistan and to ensure the Islamisation of the State. A widespread campaign of disinformation has been in process to provide cover to the real face of Muslim communalism and secessionism in this State. Much of what has actually happened in Kashmir, right from 1947, has either been deliberately concealed or distorted by powers in authority in the Central Government as well as the State Government for their vested interests. The National Conference which governed the State, by ordinance and decree for three decades, including the most turbulent of the years which followed the Indira - Abdullah Accord in 1975, was avowedly committed to the exclusion of the State from the secular constitutional organisation of India, Muslimisation of its government and society and the obliteration of the Hindus and the other minorities in Kashmir valley and the Muslim majority districts of the Jammu province. The Congress rulers at the Centre acclaimed the Islamicsation of the State as a part of Indian secularism, which the Congress claimed represented parity of power between the special and separate identity of the Indian Muslims and the rest of India.

The war of attrition which is being waged against India in Jammu and Kashmir is a part of the militarisation of pan - Islamic fundamentalism and its east-ward expansion in South-Asia. Its main objectives are :

(i) imposition of a second partition on India to bring about the unification of Jammu and Kashmir with Pakistan;

(ii) destruction of the ethno-religious identity of the Hindus and the other minorities in the State;

(iii) disruption of the stability of the north-Indian States to pave the way for the disintegration of the Indian State.

The national response to the tragedy in Kashmir has been self-defeating and determined by commitments to uphold Muslim resurgence, which the Congress leaders believed for a long time, to be a part of the liberal movements among the colonial peoples of Asia and Africa. The

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Congress failure to assess the impact of the Muslim movement for Pakistan on the Indian liberation struggle was also due to the inability of the Congress leaders to recognise the communal character of the Muslim poltical movements in India, including that of the National Conference in Jammu and Kashmir.

The Muslims of Jammu and Kashmir always enjoyed the freedom and the approbation of State Government as well as the Government of India to promote communalism and separatism. The separate constitutional for Jammu and Kashmir envisaged by Article 370 symbolised the Muslim separatism and virtually brougt about the enslavement of the Hindus and the other monorities in the State.

The attempts made by the State Government and the Congress in the Union Government and outside it, the so-called secular and left flanks of the Indian politics and the mercenaries of Muslim communalism in India, to bail out the terrorists and the supporters of Muslim crusade in Kashmir, has led to disastrous consequences. By deliberate design or by error, the Congress Government has throughout the last forty-two years of its rule in India, put its wrong foot forward and in effect recognised the rationale of the economic crusade without accepting the Islamic crusade itself. The Congress leadership has always balanced itself between the quest for unity of India and the Muslim opposition to the Indian identity. The Congress, true to its tradition, has always sought to use Muslims to consolidate its own power-structure in India. The Muslim communalism, on the other hand, has obtained its price, a fact clearly proved by what happend in India in 1947, and what is happening in Jammu and Kashmir now.

There will be no peace in Kashmirs till the war of attritiones, unleashed by the separatist and fundamentalist forces against the Indian civilisation is not brought to an end in Jammu and Kashmir. If the Indian nation seeks peace in a state of war, it will meet the same fate that it did in 1947.

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Solemn pledge to the People of Kashmir, Jammu and Kashmir Liberation Front 1979-80 convention, Muzaffarabad, Azad Kashmir (Extracts)

1. Military objectives of the Jammu and Kashmir Liberation Front :

a) raising of the liberation army of the Muslims to launch the armed struggle for the liberation of Kashmir from the Indian occupation;

b) training of Muslim youth and students in Azad Kashmir and Pakistan and procuring of arms for the liberation army;

c) the preparation of the Muslim youth and students in Kashmir occupied by India, for their participation in the armed struggle against Indian imperialism, imparting military training to them providing arms to them and establishing a unified command, which leads the armed struggle

d) drawing up a strategy for establishing necessary communication network in the occupied Kashmir;

e) organising the forces, which are at present fighting for the liberation of Kashmir into a limited front to ensure the participation of Muslim masses in the armed struggle;

f) Building military pressure on Indian defence forces in order to force Government of India to implement the resolution of the United Nations and ensure the realisation of the dream of the Muslims in Kashmir to decide their own destiny.

2. Political objectives of the Jammu and Kashmir Liberation Front:

India grabbed Kashmir by fraud and force in 1947, whom the sons of the soil and the followers of religious injunction rose in revolt against the rapacious and oppressive rule of the Hindu ruler, who was consipiring with the Hindu communalists to accede to India against the wishes of the predominant Muslim majority population of the State. The Riyasat of Jammu and Kashmir is geographically a part of Pakistan, its rivers flow into this land of the pious and its people are an inseparable part of the Muslim nation of Pakistan. Kashmir is a Muslim State and the aspirations of the Muslims are linked with the attainment of Nizam-i-Mustafa (Islamic governance) in its length and breadth so that the Muslims live in peace and brotherhood under the canopy of Islam. We are committed to the ideology os Islam. Our aim is the realisation of Islamic way of life. We do not contribute to any other ideology. The goal to be achieved is :

a) unification of the two parts of Kashmir, by demolishing the artificial dividing line created by the presence of the armies of Indian occupation;

b) self-determination of the people to decide the future of the State.

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HUMAN RIGHTS VIOLATIONS CAUSED BY TERRORISTS IN JAMMU & KASHMIR

INCIDENCE OF VIOLENCE

Year	Attack on SF	Attacks on others	Explosions & Arson	Other Incident	Total Incident
1988	6	1	142	241	390
1989	49	73	840	1192	2154
1990	1098	485	1810	512	3905
1991	1999	321	611	191	3122
1992	3413	507	744	307	4971
1993	2573	539	900	445	4457
1994	2675	1594	1774	852	6895
1995 (July)	1527	983	1056	422	3988
Total :	13340	4503	7877	4462	29882

KIDNAPPINGS

Year	1989	1990	1991	1992	1993	1994	1995 (July)
Incident	2	57	100	124	181	332	211
Persons Abducted	2	70	159	183	269	368	293
Foreigners	-	-	12	-	-	2	6
Women	-	8	8	13	26	20	15
Politicians	-	33	53	26	4	3	1
Govt. Officers	-	21	27	43	37	36	33
SF personnel	-	12	29	38	92	25	4
Killed	1	29	29	38	92	157	115
Released	1	32	73	112	128	164	37

Foreigners include Israelis (7), Swedish (2) Dutch (1) Japanes (1) French (1) Britains (2) US (2) German (1)

Joint Human Rights Committee
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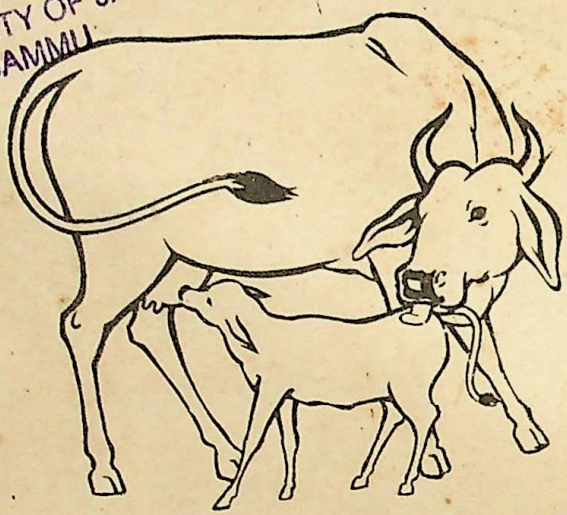
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انڈین نیشنل کانگریس

اِنتخابی مینی فیسٹو

سنہ ۱۹۷۱ء

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کیمپ آفس ۔ ۹ اشوک روڈ

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انتخابی مینی فیسٹو

۱ ـــــ ہندوستان کے لوگوں کو ایک مرتبہ پھر اپنے نمائندے منتخب کرنے کا موقع ملا ہے۔ پہلے کبھی یہ بات اس قدر ضروری نہیں تھی جیسی کہ آج ہے کہ ملک کے لوگ صحیح فیصلے کر سکیں۔

۲ ـــــ پانچ سال کی مدت مکمل کرنے سے پہلے ہی لوک سبھا کا توڑا جانا اس بات کا ثبوت ہے کہ ہمیں ہندوستان کے لوگوں اور ملک میں جمہوری اداروں کی کارکردگی پر مکمل اعتماد ہے۔ کانگریس چناؤ کیوں کروا رہی ہے جبکہ وہ بآسانی ۱۴ ماہ کی مدت تک برسر اقتدار رہ سکتی تھی؟ قوم کے نام اپنی ریڈیائی تقریر میں وزیر اعظم نے اس بات کا واضح جواب دے دیا ہے۔

۳ ـــــ کانگریس کا مدعا محض حکومت کی باگ ڈور سنبھالے رہنا ہی نہیں ہے بلکہ حکومت چلانے سے اس کا مقصد یہ ہے کہ عوام کی زندگی کو بہتر بنایا جا سکے۔ اقتصادی اور سماجی لحاظ سے لوگوں کی خواہشات کو پورا کیا جائے۔ کانگریس کو اس بات کا یقین ہے کہ اپنے طے شدہ پروگرام اور جنتا کے ساتھ کئے گئے وعدوں پر عملدرآمد نہیں کیا جا سکتا، تاوقتیکہ وہ نئے سرے سے عوام کا فیصلہ حاصل نہ کرے۔ عوام کا از سر نو فیصلہ حاصل کر کے ہی ہم اپنی معاشی و سماجی ترقی کے راستے میں آنے والی روکاوٹوں کو دور کر سکتے ہیں۔

۴ ـــــ ۱۹۶۷ء کے عام انتخابات اس امر کے مظہر ہیں کہ ملک میں جس رفتار سے ترقی ہو رہی ہے عوام اس سے مطمئن نہیں ہیں۔ اگرچہ بہت سے کارہائے نمایاں کا سہرا کانگریس اور عوام کے سر ہے۔ مثلاً بڑے بڑے صنعتی ادارے قائم کئے گئے۔ زرعی اصلاحات ہوئیں۔ وسیع پیمانے پر تعلیم کو جس میں یونیورسٹی اور تکنیکی تعلیم شامل ہے، فروغ ملا۔ اس سلسلہ میں سائنس اور ٹیکنالوجی قابل ذکر ہیں۔ اس کے باوجود کتنے ہی اہم اور حل طلب مسائل باقی ہیں۔ لاکھوں لوگ غربت اور پسماندگی کی زندگی بسر کر رہے ہیں۔ سماجی معاشی اور سیاسی انصاف ہمارے آئین کی بنیاد ہے۔ اس کے لئے جدوجہد کرنے اور اُسے حاصل کرنے کی ضرورت ہے۔ اندریں حالات اس نشانے کو تیزی سے پورا کرنے کے

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لئے ہمارے لوگوں کا بے قرار ہونا قطعی طور سے حق بجانب ہے۔ یہ کوئی حیرت انگیز بات نہیں ہے کہ ان تمام باتوں کا اظہار ۱۹۶۷ء کے انتخابات میں ہوا۔

۵ ـــــ ۱۹۶۷ء کے عام انتخابات کے بعد نہایت اہم اور دُور رس سیاسی صورتِ حال رُونما ہوئی، کیونکہ عوام میں جاگرتی کی لہر دوڑ گئی۔ اس نئی کیفیت نے جو چیلنج دیا اقتصادی و سماجی ترقی کے ایک حقیقی انقلابی پروگرام کے ذریعہ ہی اس کا مقابلہ کیا جاسکتا تھا۔ انہی وجوہات کے تقاضے کے پیشِ نظر کانگریس نے دس نکاتی پروگرام تیار کیا اور اس بات کا حلف لیا کہ اس پر نہایت موثر اور تیز طریقہ سے چلے گی۔

۶ ـــــ لیکن کانگریس کی اِس تحریک کا، جس کا مقصد سماجی اور معاشی اصلاحات کو تیز رفتار سے عمل سانچے میں ڈھالنا تھا، مفاد پرست عناصر اور ان کے وکیلوں کی طرف سے شدید طور سے مخالفت شروع ہوگئی۔

کانگریس میں گھسے ہوئے رجعت پسند عناصر نے بھی جو تبدیلی کے مخالف تھے اور اور اس سے خوف زدہ تھے، اپنے سخت ردِّ عمل کا اظہار کیا۔ جونہی انھیں یہ احساس ہوا کہ ہم نے ان بنیادی پالیسیوں اور انقلابی پروگرام پر عمل درآمد کرنے کا مصمم ارادہ کر رکھا ہے جو قبل ازیں ہم نے باہمی طور سے کئے تھے، یہ عناصر پارٹی سے نکل کر اُن لوگوں سے جا ملے جنھوں نے ایسے تمام مقاصد کی سخت مخالفت کی تھی جن کے لئے انڈین نیشنل کانگریس نے مہاتما گاندھی کی رہنمائی میں جدوجہد کی تھی۔

۷ ـــــ سنڈیکیٹ، جن سنگھ، سوتنتر پارٹی جیسے رجعت پسندوں کا گٹھ جوڑ جیسے مفاد پرستوں کی پُشت پناہی حاصل ہے، سامنے لاکر کھڑا کر دیا گیا ہے۔ اس گٹھ جوڑ کا واحد مقصد یہ ہے کہ کانگریس کے ترقی پسند پروگرام کی زبردست مخالفت کی جائے۔ یہ امر بھی باعثِ حیرت نہیں ہے کہ سنیکت سوشلسٹ پارٹی کی لیڈر شپ کا ایک گروہ بھی اِس بے اصولے ٹولے میں شامل ہوگیا ہے، جو نہ صرف اس بات کو ظاہر کرتا ہے کہ اس کا کردار محض منفی اور تخریبی ہے بلکہ سماج واد کے متعلق ان کا نعرہ بھی کھوکھلا ہے۔

۸ ـــــ رجعت پسندوں کے گٹھ جوڑ سے ہمیں حصُولِ آزادی کے بعد کے زمانے کی ایک بھیانک لڑائی کا سامنا کرنا پڑ رہا ہے۔ ترقی پسند طاقتیں اس امر کا تہیہ کئے ہوئے ہیں کہ سماجی انقلاب لانے کا پروگرام لے کر پیش قدمی کریں گے، جس کے راستے میں تخریب پسندوں اور حالات کو جوں کا توں رکھنے کے حامی عناصر کی طرف سے رُکاوٹیں کھڑی کی جارہی ہیں۔ یہ عناصر سماجی بہبودیوں کے سدّ راہ بننے والے نظریات سے چمٹے

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ہوئے ہیں۔

۹ ـــــ سیاسی لحاظ سے ایک دوسرے سرے پر بائیں بازو کے انتہا پسند ہیں جو خونریزی کے ذریعہ جمہوریت پر مبنی سیاسی کارکردگی کو تباہ کرنے کے لئے کوشاں ہیں۔

ان قانون شکن عناصر کی سرگرمیوں کے نتیجہ کے طور پر معصوم شہریوں کی جانیں تلف ہو رہی ہیں اور سرکاری املاک تباہ و برباد ہوئی ہیں۔ ان کا مقصد پُرامن ڈھنگ سے ترقی کے لئے کئے جا رہے کاموں کو ناممکن بنانا ہے۔

۱۰ ـــــ اس طرح ہر دو انتہا پسند بائیں بازو اور دائیں بازو کے نظریات نے ملک کے لئے شدید قسم کا خطرہ پیدا کر دیا ہے۔

۱۱ ـــــ کانگریس مکمل طور سے تسلیم کرتی ہے کہ موجودہ سنگین حالات نے جو صورتِ حال پیدا کر دی ہے۔ اس کا مناسب اور موثر مقابلہ سماجی اور معاشی پروگرام پر جمہوری ڈھنگ سے عمل کر کے ہی کیا جا سکتا ہے۔ کانگریس چاہتی ہے کہ ان پالیسیوں اور پروگراموں پر زور دار طور سے عمل کیا جائے جس کا اس نے حلف لے رکھا ہے اور جو آئینِ ہند کے ہدایت کار اصولوں پر مبنی ہیں۔

۱۲ ـــــ سرکاری پالیسی کے ہدایت کار اصولوں کا مقصد ہے کہ حکومت عوام کی بہبودی کے لئے ہمہ تن کوشاں رہے اور اس کے لئے ایک ایسا سماجی نظام قائم کرے جس میں موثر و محفوظ طریقہ سے قومی زندگی کے تمام اداروں میں سماجی معاشی اور سیاسی انصاف قائم ہو۔

(ضمیمہ ۳۸)

۱۳ ـــــ ہدایت کار اصولوں کے ذریعہ مزید اعلان کیا گیا ہے کہ حکومت خاص طور سے اپنی پالیسیوں کو اس طرح اختیار کرے تاکہ :-

(۱) قوم کے مادی وسائل کی ملکیت اور کنٹرول اس طور پر تقسیم کئے جائیں کہ عوام کو زیادہ سے زیادہ فائدہ حاصل ہے۔

(۲) اقتصادی نظام کی کارکردگی کا نتیجہ یہ نہیں ہونا چاہیئے کہ عوام کے مفاد کے برعکس دولت اور پیداوار کے وسائل چند ہاتھوں میں جمع ہو جائیں۔ ضمیمہ ۳۹ (ب) اور (پ) آئین میں یہ بات واضح کر دی گئی ہے کہ حکومت قانون بناتے وقت ان اصولوں پر عمل کرے۔ (ضمیمہ ۳۷)

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۱۴۔ تاہم عدالتوں کی طرف سے دیئے گئے بعض فیصلوں کے نتیجہ کے طور پر یہ بات ناممکن ہوگئی ہے کہ ہمارے آئین کے بعض ہدایت کار اصولوں اور کانگریس کے بنیادی پروگرام پر مؤثر طریقہ سے عمل درآمد کیا جائے۔

۱۵۔ قوم کی ترقی کو روکا نہیں جاسکتا۔ جمہوریت کے جذبہ کا مقصد ہے کہ آئین عوام کے تقاضوں اور ضرورتوں کو پورا کرے۔ پہلے بھی ہمارے آئین میں اقتصادی بہبودی کے لئے تبدیلیاں کی جاچکی ہیں۔ ہماری کوشش ہوگی کہ سماجی انصاف کے راستے میں جو رکاوٹیں آتی ہیں، انھیں دُور کرنے کے لئے آئین میں ایسی مزید ترامیم وغیرہ کی جائیں۔

۱۶۔ اِن عظیم مقاصد کو حاصل کرنے کے لئے ہم نے جو کوششیں کی ہیں، مفاد پرست عناصر کی جانب سے جان بوجھ کر ان کے خلاف گمراہ کن اور شرارت آمیز پرچار کیا جارہا ہے۔ تاکہ چھوٹی اور درمیانی مالیت کی جائدادوں کے مالکوں کے دماغوں میں الجھن پیدا کردی جائے۔ غلط طریقہ سے پروپیگنڈہ کیا جاتا ہے کہ کانگریس کا مقصد ہے کہ تمام پرائیویٹ جائدادوں کو ختم کردیا جائے۔ یہ بات سچّائی سے کوسوں سے دُور ہے۔

۱۷۔ کانگریس اس بات کو واضح کردینا چاہتی ہے کہ اس کا ہرگز ہرگز یہ منشا نہیں کہ پرائیویٹ جائدادوں کی حیثیت کو ختم کیا جائے۔ اس کے برعکس کانگریس کی پالیسی یہ ہے کہ جائداد کے حق کو اس طرح وسعت دی جائے کہ زیادہ سے زیادہ لوگ اس سے مستفیض ہوں۔ البتہ کانگریس ایک مقررہ حد سے زیادہ ذاتی ملکیت اور جائداد روکنے کا حلف لئے ہوئے ہے تاکہ اقتصادی طاقت اور دولت محض چند لوگوں کے ہاتھوں میں جمع ہوکر نہ رہ جائے، کیونکہ یہ صورتِ حال جمہوریت اور سماجی انصاف کے تقاضوں کے برعکس ہے۔

۱۸۔ عوامی پالیسی کا تقاضہ ہے کہ لوگوں کی بہت بڑی تعداد کی ضروریات کو پورا کیا جائے۔ ہمیں چاہیئے کہ عوام کو درپیش بنیادی مشکلات وسیع پیمانے پر حل کرنے کے لئے زور دیں۔ آج ہندوستان میں اِس بات کو دیکھنے کی ضرورت ہے کہ معاشی بہبودی اور سماجی انصاف یہ دونشانے بیشتر ایک دوسرے کے ممد ومعاون ہیں۔ ان کے درمیان کوئی مقابلہ بازی کی بات نہیں، درحقیقت اگر سماجی انصاف کی سمت پیش قدمی نہ ہوئی تو معاشی بہبودی کے لئے ہندوستان میں جو کوششیں جاری ہیں ان میں رکاوٹ پیدا ہوجانے کا اندیشہ ہے۔

۱۹۔ لہٰذا کانگریس ضروری اقتصادی ترقی اور جامع سماجی اصلاحات کا پروگرام لیکر عوام کے

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پاس آئی ہے، اس کی کیفیت دیگر پارٹیوں کی سی نہیں ہے جو نہایت فراخ دلی سے وعدے کر لیتی ہیں، کیونکہ وہ جانتی ہیں کہ ان کے لئے اپنے وعدے پورے کرنے کی نوبت ہی نہیں آئے گی۔ کانگریس نے اپنا پروگرام پیش کرنے سے قبل اچھی طرح سوچ بچار کر لیا ہے تاکہ کوئی ایسا وعدہ نہ کیا جائے جسے نبھانا ممکن نہ ہو۔

زراعت

۲۰ــــ ہندوستان کے غریب عوام کا بڑا حصہ بے زمین اور چھوٹے کسان ہیں، لہٰذا کوئی بھی پروگرام جس کا مقصد ان لوگوں کی بھلائی کے لئے اور ملکی معیشت کو بہتر بنانا ہو لازماً دیہاتی نظریہ لئے ہوئے ہونا چاہیئے۔ ایسے پروگرام کی پہلی مدتیز رفتار زرعی بہبودی ہونا چاہیئے۔ نئے سائنسی طریقوں کو نہایت شدّومد سے زراعت میں استعمال کرنا چاہیئے، کیونکہ یہی واحد طریقہ ہے جس کے ذریعہ وسیع پیمانے پر لوگوں کو کام مہیا کیا جاسکتا ہے۔

ہمیں اس بات کی احتیاط رکھنی ہوگی کہ اس صورتِ حال کے نتیجہ کے طور پر عوام کو غذائیت سے بھرپور خوراک حاصل ہو اور اس کے ساتھ پورے ملک میں زراعتی لحاظ سے بھی ترقی ہو جائے۔ اس بہبودی کا فائدہ خاص طور سے چھوٹے اور درمیانہ کسانوں اور بے زمین لوگوں کو منصفانہ طور سے پہنچنا چاہیئے۔

۲۱ــــ نئی ٹیکنالوجی کے پھیلاؤ کے لئے زرعی اصلاحات کا مثبت پروگرام ایک لازمی شرط ہے۔ مزارعوں کی غیر محفوظ کیفیت نئی ٹیکنالوجی کو اختیار کرنے کے راستے میں ایک بہت بڑی رکاوٹ ہے، جہاں فصل کے بٹوارے کا دستور موجود ہو، وہاں کاشت کرنیوالے مزارع یا غیر کاشتکار مالک کی طرف سے ضروری سرمایہ کاری نہیں کی جاتی۔ موجودہ ارضیاتی قوانین پر عمل درآمد نہ کئے جانے کے نتیجہ کے طور پر غیر یقینی ملکیت مناسب سرمایہ کاری کے راستے میں ایک رکاوٹ ہے۔

۲۲ــــ زرعی انقلاب ابھی سیراب علاقوں تک محدود ہے۔ حتّٰی کہ وہاں بھی چھوٹے کسان اس قابل نہیں ہیں کہ نئی ٹیکنالوجی کو اختیار کر سکیں۔ قرضے وغیرہ کی صورت میں چھوٹے کسانوں کو سہولیات دی جارہی ہیں تاکہ وہ بھی سائنسی طریقے اختیار کر سکیں۔

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۲۳ــــ زمینی پانی کے ہمارے ذرائع کا بغور جائزہ لیا جارہا ہے اور آبپاشی کے چھوٹے ذرائع کو تیزی سے توسیع دی جارہی ہے۔

۲۴ــــ خشک علاقوں میں کاشتکاری کرنے کے لئے ہمارے سائنسدانوں کی طرف سے ایک جامع پروگرام چلایا جارہا ہے۔

۲۵ــــ دیہاتی علاقوں میں بہت بڑی تعداد میں ایسے لوگ موجود ہیں جن کا زمین سے کوئی تعلق نہیں ہے۔ ہماری کوشش ہے کہ ان کو مفید کاروبار کی نئی سہولیات بہم پہنچائی جائیں۔ ہمارے یہاں خوشحالی کا جو دَور آرہا ہے دیہاتی علاقوں کی روزمرّہ زندگی میں اس کی جھلک ضرور دکھائی دینی چاہیئے۔

پُرانے طریقوں کو بہتر شعور کے ساتھ استعمال کر کے اور پیداوار سے متعلق نئی نئی سرگرمیاں اختیار کر کے جو ملک کی منڈی سے وابستہ ہوں ہمیں دیہات کو بہتر قابل رہائش گاہ بنانا ہے۔

۲۶ــــ بنکوں کے قومیانے کے بعد ہم نے قرضے دینے کا ایک نیا پروگرام شروع کیا ہے چھوٹے کسانوں اور ذاتی کاروبار میں لگے ہوئے لوگوں اور اقتصادی طور سے نظرانداز سے کئے ہوئے علاقوں اور طبقوں کو قرضے کی سہولیات دی جارہی ہیں، متعدد دیہی مفادات کو مدنظر رکھتے ہوئے بنکنگ اداروں کی مناسب ڈھنگ سے نوتنظیم کی جائے گی۔



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صنعت

پبلک سیکٹر:-

۲۷ ـــــ کئی برس گزرے ۱۹۳۱ء میں کانگریس نے فیصلہ کیا تھا کہ صنعتی بہبودی کا کوئی بھی پروگرام ہو، پبلک سیکٹر کا لازماً غالب کردار ہوگا۔

۲۸ ـــــ پبلک سیکٹر میں کارخانے عوام کی ملکیت ہیں۔ انھیں ایسے ڈھنگ سے چلانا چاہیئے، تاکہ مزید سرمایہ کاری کے مواقع پیدا ہوں، لہٰذا ملک کو یہ حق ہے کہ وہ اس امر کا مطالبہ کرے کہ انتظامیہ عملہ اور مزدور ایثار اور منضبط طریقہ سے کام کریں، کیونکہ ان اداروں کو جو فائدہ ہوگا اس میں ان ورکروں کا بھی مناسب حصّہ ہوگا۔

۲۹ ـــــ معقول اُجرت کی پالیسی لازماً ایسی ہونی چاہیئے کہ اس کے نتیجہ کے طور پر پیداوار میں اضافہ کی کوششوں کو فروغ ملے اور پیداوار میں اضافہ کی بنیاد پر اُجرت کی سطح میں بھی اضافہ ہو سکے۔

۳۰ ـــــ انتظامیہ کے جدید طریقے تیزی سے اختیار کئے جائیں اور انتظامیہ میں ورکروں کو شامل کرنے پر زور دیا جائے۔

۳۱ ـــــ یہ وہ پس منظر ہے جسے ملحوظ رکھتے ہوئے کانگریس پبلک سیکٹر کو توسیع دینے کی غرض سے یہ تجویز کرتی ہے کہ جنرل انشورنس تجارت درآمد و برآمد میں ریاست کی شرکت کو توسیع دی جائے۔ جن صنعتوں میں عوام کا بھاری سرمایہ لگا ہوا ہے ان میں ریاست کا بڑھا ہوا کردار ہو۔ فوڈ کارپوریشن آف انڈیا کی سرگرمیوں میں کوا پریٹو سے تال میل کے ذریعہ توسیع کی جائے تاکہ اناج کی تقسیم قومی پالیسی کے مطابق کی جائے اور کسان کو پیداوار کی مناسب قیمت حاصل ہو۔

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پرائیویٹ سیکٹر

۳۲ــــ ہماری معیشت میں پرائیویٹ سیکٹر کو اہم پوزیشن حاصل ہے۔ اسے ایسے ڈھنگ سے کام کرنا چاہیئے جو ہماری سماجی پالیسی سے مطابقت رکھتی ہو۔

۳۳ــــ ہمارے قواعد ایسے نہیں ہیں جن کا مقصد پرائیویٹ کارخانہ داروں کے لئے پریشانی پیدا کرنا ہو۔ بلکہ اُسے مزید وسیع پیمانے پر لانا ہے اور نئے کارخانہ داروں کے لئے نئے موقعے فراہم کرنا ہے اور اسے علاقوں میں توسیع دینا ہے۔

۳۴ــــ پرائیویٹ سیکٹر کو قومی آمدنی اور روزگار کے اضافے میں اپنا کردار پورا کرنے کا موقع دینے کے لئے ہماری کوشش ہوگی کہ قواعد کو آسان بنائیں اور تاخیر کے اسباب کو ختم کیا جائے۔ پرائیوٹ سیکٹر کو حتی الامکان بڑھاوا دیا جائے گا، لیکن اس کے ساتھ ہی ساتھ اس امر کی اجازت نہیں دی جائے گی کہ پرائیویٹ اجارہ داری قائم ہو یا دولت و معاشی طاقت چند ہاتھوں میں اکٹھی ہو جائے۔

۳۵ــــ چھوٹی صنعتیں ملکی بہبودی میں مرکزی حیثیت رکھتی ہیں۔ ان کی ترقی و توسیع ہمارے سماجی مقاصد کو تقویت پہنچائے گی۔ ان کے ذریعہ اقتصادی کارکردگی میں وسیع پیمانے پر لوگوں کی شمولیت کے ٹھوس امکانات پیدا ہوں گے۔ پرائیویٹ اداروں کو مختلف النوع حیثیت اور سماجی انصاف حاصل ہوگا۔

۳۶ــــ اُجرت یا قیمتوں کے متعلق کوئی حقیقی پالیسی عمل پذیر نہیں ہو سکتی، تاوقتیکہ اسے دولت اور آمدنی کے متعلق ایک معقول پالیسی سے وابستہ نہیں کیا جاتا۔ کانگریس ایک ایسی پالیسی مرتب کر کے اس پر عمل درآمد کرے گی۔



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شہری جائداد کی حد

۳۷۔ شہری جائدادوں کی حد پر لازماً پابندی لگانا ہوگی اور ایسے اقدامات کرنے پڑیں گے تاکہ شہری اراضی کی خرید و فروخت میں سماجی مفاد کے منافی ہتھکنڈے اختیار نہ کئے جا سکیں۔

ملازمت

۳۸۔ پھیلی ہوئی بیکاری کے نتیجہ کے طور پر ہمارے عوام کو جن پریشانیوں سے دوچار ہونا پڑتا ہے کانگریس کو اس وجہ سے سخت تشویش ہے کانگریس اس مسئلہ سے باخبر ہے، اور اس نے اپنی پلاننگ میں اس پہلو کو بہت اہمیت دی ہے لیکن موثر ڈھنگ سے کام کرنے کے پروگرام کے لئے ایک کم از کم معاشی بنیاد ضرور ہے چنانچہ ہم نے یہ بنیاد قائم کرنے کو ترجیح دی ہے، غذائی محاذ پر بھی آج ہماری پوزیشن زراعتی نقطۂ نظر اور غذائی پیداوار کی بہبودی کے امکانات کے پیش نظر بہت بہتر ہے لہٰذا ہم اس پوزیشن میں ہیں کہ قومی کاموں کا ایک ملا جُلا پروگرام شروع کر سکتے ہیں۔ یہ کام اس قسم کے ہونے چاہئیں کہ ٹھوس اثاثہ قائم کر سکیں اور ہماری معیشت کو مزید توسیع ملے۔

۳۹۔ دیہات۔ قصبوں اور شہروں میں وسیع پیمانہ پر طرح طرح کی عوامی تعمیر کی ضرورت ہے دیہات میں اس بات کی سخت ضرورت ہے کہ آبپاشی کے لئے نالیاں، بند اور نالے تعمیر کئے جائیں، آراضی کی مربع بندی کی جائے اور زمین کی سطح کو ہموار کیا جائے۔ دیہات اور منڈیوں کے درمیان اچھی اور مزید سڑکوں کی ضرورت ہے دیہاتی مراکز میں اناج کے گودام، غلہ وغیرہ فروخت کرنے کی سہولت، اسکول، حفظانِ صحت و خاندانی منصوبہ بندی کی سہولیات کی ضرورت ہے۔

۴۰۔ قصبوں میں ناقص قسم کی تعمیرات کی خرابیاں ہیں، بڑے شہروں میں عام شہری بہبودی

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اور وسیع پیمانے پر لوگوں کے لئے مکانات کی ضرورت ہے۔ آمد و رفت کی سہولیت کو فروغ دینا، انھیں جدید بنانا، اور زیادہ سے زیادہ شہری لوگوں تک آسانیاں بہم پہونچانی ہوں گی۔ قومی شاہراہوں کے طریقہ میں مزید بہتری کی ضرورت ہے۔

۴۱۔ اگر یہ تمام کام ایک منصوبہ بند ڈھنگ سے کئے جائیں تو ایسے عوامی تعمیراتی پراجیکٹوں کی کچھ کمی نہیں ہوگی جن سے اعلیٰ سماجی فوائد میسر آسکتے ہیں ان پروگراموں کے لئے تربیت یافتہ انجینیروں اور تکنیکی ماہروں کی خدمات کی ضرورت ہوگی، علاوہ ازیں اپنا کام کرنے کے لئے آسان شرح پر قرضہ حاصل ہوگا، محض ایسے وسیع پیمانے کے پروگرام پر عمل کر کے ہندوستان سے بیکاری کا مسئلہ حل کرنے کی فی الواقع خدمت سرانجام دی جاسکتی ہے۔

تعلیم اور بچّوں کی فلاح و بہبود

۴۲۔ بچّے قوم کی دولت ہیں۔ اور ان کی خوشحالی سماجی اور ثقافتی بہبودی کے لئے لازمی ہے۔ برسوں سے یہ بات معلوم ہے کہ غذائیت کے بعد خوراک کا استعمال بچّوں کی اموات افزائش میں رکاوٹ کام کی بیداوار وقت سے پہلے ہی بڑھاپا اور عرصۂ عمر میں کمی کا باعث ہوتا ہے، لہٰذا کانگریس نے یہ بات طے کی ہے کہ ایک اہم قومی پروگرام کے طور سے اسکول جانے والوں سے کم عمر کے بچّوں کو خاطر خواہ غذائیت دی جائے تاکہ آنے والی نسل اچھی قسم کی ہو۔ ۱۹۷۰ء کا سال اسکول جانے سے کم عمر کے بچّوں کی اس طرح خدمت کرنے کے پروگرام کی ابتدا کا برس ہے فی الحال اس زمرے میں کمزور طبقوں کے بچّے شامل ہوں گے۔ کانگریس کا فیصلہ ہے کہ اس پروگرام کو توسیع دے کر اس عمر کے تمام بچّوں کو اس میں شامل کیا جائے۔

۴۳۔ ابتدائی تعلیم کو توسیع دینا بہبودیٔ بچگان کے اس پروگرام کے ساتھ پوری طرح

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وابستہ ہے، باوجود اسکے کہ پرائمری تعلیم کو عظیم توسیع دی گئی ہے۔ یہ بات ضرور تسلیم کرنی پڑے گی کہ خاطر خواہ ترقی نہیں ہوئی ہے پرائمری تعلیم کو تیزی سے پھیلانے کا پروگرام اقتصادی اور اس کے ساتھ ہی ساتھ یکسانیت کے نقطۂ نظر سے منصفانہ ہے وسیع تر پیمانے پر پرائمری تعلیم پھیلانے کے پروگرام پر عمل کرنے سے پڑھے لکھے بے کاروں کو نوکریاں مل سکتی ہیں۔

۴۴۔ کانگریس کا یقین ہے کہ کسی بھی طریقہ کا بنیادی مقصد ایک خود کفیل اور مکمل شخصیت بنانا ہے ہمارے تعلیمی ڈھنگ کی از سر نو تنظیم نہایت ضروری ہے تاکہ اقتصادی بہبودی ایسی رفتار سے کی جائے کہ معیار زندگی عام طور سے بلند ہو، ہمیں لازماً سائنس اور تکنیکی تعلیم کو توسیع دینی چاہیئے اور اس کو اپنی زرعی ضروریات اور صنعتی پروگراموں کے مطابق کرنا چاہیئے تعلیمی سہولیات کو تعلیمی ضروریات کے ساتھ وابستہ کرنا چاہیئے، یہ ایک ایسا طریقہ ہے جس سے نوجوانوں کی اختراعی قوت کو اضافہ دیکر مستقبل کے لئے مفید بنایا جا سکتا ہے۔

سائنس و ٹیکنالوجی

۴۵۔ **قومی تحفظ**:۔ صنعتی بنیادوں کی مضبوطی اور پھیلاؤ۔ دیہاتی معیشت کا پھیلاؤ اور ہمارے عوام کی عام زندگی کو بہتر بنانے کے لئے سائنس اور ٹیکنالوجی کی بہبودی انتہائی ضروری ہے۔

۴۶۔ کانگریس ایک قومی سائنسی اور ٹیکنالوجیکل پروگرام مرتب کرے گا جو ہمارے معاشی منصوبہ کے ساتھ وابستہ ہوگا، ہمارے سائنسی اور ٹیکنالوجیکل ذرائع کا ایک بہت بڑا حصہ نہایت اعلیٰ ترجیحی علاقوں پر صرف کرنا چاہیئے جو خاص طور سے اس

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مطلب کے لئے منتخب کئے گئے ہوں۔

۴۷۔ ایٹمی قوت اور خلائی ریسرچ کا ایک دس سالہ پروگرام پہلے ہی تیار کیا جا چکا ہے۔ ہمیں چاہیئے کہ اب اس پروگرام کو نہایت مضبوط ڈھنگ سے عملی سانچے میں ڈھالیں جس کا مقصد زیادہ سے زیادہ حد تک خود کفیل ہونا ہے۔

۴۸۔ کانگریس قوم کے سائینسدانوں اور ٹیکنیکل ماہرین کو دعوت دیتی ہے کہ ان غیر معمولی اہمیت کے حامل کاموں کو مکمّل کرنے کے لئے اپنی بہترین کوشش صرف کریں اور انھیں یقین کراتی ہے کہ اس کی جانب سے اس بات کا ٹھوس جتن کیا جائے گا کہ انھیں اہم اور ذمہ دار حیثیت دلائی جائے بلکہ انھیں اس کارکردگی میں پوری طرح شامل کیا جائے جس سے سرکاری فیصلے کرکے ان پر عملدرآمد کیا جاتا ہے۔

رہائش

۴۹۔ شہروں کے پھیلاؤ نے شدید ترین قلت کا بھیانک مسئلہ کھڑا کر دیا ہے۔ کانگرس نے اس بات کا تہیّہ کر رکھا ہے کہ وسیع پیمانے پر مکان تعمیر کئے جائیں اس سلسلہ میں خاص طور سے کم اور درمیانہ درجہ کی آمدن والے لوگوں کی ضروریات کو مدنظر رکھا جائے گا۔ گندی بستیوں کو صاف کرنے اور بستیوں کے رہنے والوں کی ضرُوریات کو ترجیح دی جائے گی۔

۵۰۔ کانگرس نے اس بات کا بھی تہیّہ کر رکھا ہے کہ اب بے زمین لوگوں کو گھر بنانے کے لئے دیہات میں مُفت زمین دی جائے گی، اور دیہات میں گھروں کے مسئلہ کو

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حل کرنے کے اقدامات کئے جائیں گے۔

اقلیتیں

۵۱۔ اپنی ماضی کی روایات کو قائم رکھتے ہوئے کانگرس نے حلف لے رکھا ہے کہ تمام اقلیتوں کے حقوق و مفادات کی حفاظت کرے گی۔

۵۲۔ دائیں بازو کے رجعت پسندوں کی تاریک اور بدکردار طاقتیں جنہوں نے طرح طرح کے نقاب پہنے ہوئے ہیں ہمارے جمہوری اور سماج وادی مقاصد کی بنیادوں کو تباہ و برباد کرنے پر تلی ہوئی ہیں۔ وہ اپنی پوزیشن کو مستحکم کرنے کے لئے کوشاں ہیں، انھوں نے عوام کی چند حقیقی شکایات کو خوب اچھالا ہے، اور متعدد طبقوں کے مذہبی جنون نسلی برتری اور توسیع پسندی کے جذبات کو بھڑکایا ہے تاریخ گواہ ہے کہ فاشسٹ طاقتوں نے ہمیشہ ایسے ہی ہی مذموم ہتھکنڈے استعمال کرکے کامیابی حاصل کی ہے کانگرس اس بات کا تہیہ کئے ہوئے ہے کہ تمام شعبوں بشمولہ تعلیم کے تمام مدارج میں موثر اقدامات کرے گی، تاکہ ہمارے ملک میں ایسی کوئی صورت حال پیدا نہ ہو۔

۵۳۔ آئین میں درج ہے کہ ریاستی اور مقامی حکام کو چاہیئے کہ بھاشائی اقلیت سے تعلق رکھنے والے بچوں کو ابتدائی تعلیم ان کی مادری زبان میں دینے کے لئے مناسب سہولیات مہیا کریں، ہماری پوری کوشش ہوگی کہ اس پر عملدرآمد کیا جائے۔

۵۴۔ سیکولرازم ہمارے آئین کا ایک ستون ہے اس آئین ہدایت کے مطابق کانگرس کی یہ پوری کوشش ہوگی تمام اقلیتوں کو اپنے تعلیمی اور دیگر ادارے قائم کرنے ان کے انتظامات اور انھیں چلانے کی مکمل آزادی ہوگی۔

۵۵۔ کانگرس جمہوری کارکردگی کو یقین بنانے کیلئے کوشاں رہیگی اور تعلیمی اداروں کے خود مختار کردار کا تحفظ کریگی، جن میں ایسے ادارے بھی شامل ہیں جو اقلیتوں کے ایما پر اور ان کے مفاد کیلئے قائم کئے جائیں گے۔

۵۶۔ کانگرس کو اس امر کا مکمل احساس ہے کہ مختلف زبانوں کی ادبی کوششوں کی حوصلہ افزائی کرنے کی

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ضرورت ہے، اس سلسلہ میں اُردو کو اس کا صحیح مقام ملنا چاہیئے جسے اب تک نظر انداز کیا گیا ہے

۵۷۔ کانگرس اس بات کا پورا خیال رکھے گی کہ ہند ملازمتوں میں بھرتی کے معاملہ پر اقلیتوں کے ساتھ امتیازی سلوک نہ کیا جائے۔

۵۸۔ کانگرس اس بات کا تہیہ کئے ہوئے ہے کہ کمزور طبقوں خصوصاً شیڈولڈ جاتیوں، شیڈولڈ قبائل اور پسماندہ جماعتوں کی تعلیم، ملازمتوں اور معاشی مفادات کے معاملے میں خاص توجہ دی جائے سماجی، معاشی امور میں مسلمانوں، عیسائیوں اور دیگر مذہبی و لسانی اقلیتوں کو جنہیں یکساں مواقع حاصل نہیں ہوئے جن مسائل سے دو چار ہونا پڑ رہا ہے، ان پر خاص توجہ دینے کی ضرورت ہے۔

خارجیہ پالیسی

۵۹۔ پچھلے ۲۴ برسوں سے ہندوستان نے عالمی ایوانوں میں آواز بلند کی کہ امن کو توسیع دی جائے تو نوآبادیاتی نظام کی بچی کھچی نشانیوں کا قلع قمع کیا جائے اور نسلی امتیاز کو جو کسی بھی صورت سے موجود ہو ختم کیا جائے۔ کانگرس حلف لئے ہوئے ہے کہ جواہر لال نہرو کے نظریہ کی وفادار رہے گی، جنہوں نے ہماری خارجیہ پالیسی کو ایک جذبہ ایک شکل ایک نشانہ دیا کیوں کہ اس میں ہندوستان کا اپنا قومی مفاد مضمر ہے اور جس سے ہماری بالادستی دفاع و آزادی کو محفوظ رکھنے میں مدد ملی ہے، کانگرس نے تہیہ کر رکھا ہے کہ وہ غیر جانبداری کے اصول نیز فوجی گٹھ جوڑوں سے الگ رہنے کے اصولوں پر قائم رہے گی، اس پالیسی کو دنیا بھر میں شرف قبولیت حاصل ہوا ہے خصوصاً نوآزاد قوموں نے اس پالیسی کو اپنایا ہے۔

۶۰۔ پنی پالیسی پر کاربند رہتے ہوئے کانگرس تمام ممالک اور خصوصاً اپنے ہمسایہ دیشوں کے ساتھ دوستانہ تعلقات بنانے کے لئے کوشاں رہے گی۔

۶۱۔ ہماری بدستور کوشش رہے گی کہ پاکستان کے ساتھ تعلقات کو معمول پر لایا جائے کیونکہ ہم چاہتے ہیں کہ دونوں ملکوں کے لوگ جن کے مابین بہت کچھ مشترک ہے یہ چاہتے ہیں کہ پرامن ہمسایوں کی طرح دوستانہ ڈھنگ سے رہیں۔

۶۲۔ ہماری یہ بھی کوشش ہوگی کہ چین کے ساتھ تعلقات معمول کے مطابق ہوں دونوں

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دیش ایک دوسرے کی بالادستی و علاقائی یکجہتی کا احترام کریں۔ اور ایک دوسرے کے گھریلو معاملات میں کسی طور مداخلت نہ کریں۔

۶۳۔ ہمیں اپنے عوام کے جذبۂ حب الوطنی، استعدادِ قربانی، دیش کی معاشی قوت و وفاداری اور اپنی دفاعی افواج کے ایثار و طاقت (جسے ہم بدستور مضبوط کرتے رہیں گے) پر مکمل اعتماد ہے۔

مضبوط و مستحکم حکومت

۶۴۔ ان پروگراموں کی تعمیل و تکمیل کے لئے ایک مضبوط و مستحکم حکومت کا قیام نہایت ضروری ہے جو انقلابی پالیسیوں پر عمل کرنے کا تہیہ کئے ہو، اور جس کو پارلیمنٹ میں فیصلہ کن اکثریت حاصل ہو ایسی حکومت کانگریس اور صرف کانگریس ہی قائم کر سکتا ہے اور موثر ڈھنگ سے پروگراموں پر عملدرآمد کرنے کی اہل ہوگی۔ اس چناؤ میں ہمیں صرف قوم اور اس کی پیشقدمی کے لئے ہی سوچنا چاہئے۔

۶۵۔ لہٰذا کانگریس عوام سے اپیل کرتی ہے کہ لوک سبھا میں کانگریس امیدوار کو کامیاب کر کے بھیجیں اور اس طرح واضح رائے دیں تاکہ یہ۔

۱۔ جمہوری طریق کار کے ذریعہ بدستور پیشقدمی جاری رکھے۔ اور انتظامیہ سسٹم کو اس قابل بنائے کہ تیز رفتاری سے عملدرآمد کر سکے۔

۲۔ تشدد اور افراتفری پھیلانے والی طاقتوں کو دبا دے تاکہ شہری امن و سکون سے زندگی بسر کر سکیں۔

۳۔ سیکولرازم کی حفاظت کر سکے اور اقلیتوں و کمزور طبقوں خصوصاً شیڈولڈ جاتیوں شیڈولڈ بستیوں اور دیگر پسماندہ طبقوں کے حقوق و مفادات کی نگرانی کر سکے۔ تاکہ ان تمام طبقوں کے لوگوں کو یکساں معیار اور مواقع میسر آ سکیں، اور انھیں بھی انفرادیت کا وقار حاصل ہو۔

۴۔ پیشتین مراعات از قسم پریوی پرس وغیرہ کو ختم کیا جائے اور آمدن و مواقع میں موجودہ فرق کو ختم کیا جائے۔

۵۔ ہمارے عوام کی بنیادی ضروریات کو پورا کرنے کیلئے زرعی بہبودی کا نہایت زور دار پروگرام سائنس اور ٹیکنالوجی کو استعمال کر کے اختیار کیا جائے۔ اس طرح دیہات کی زندگی میں فلاح و کا ایک نیا دور شروع ہو جائے جو چھوٹے کسانوں، بے زمین مزدوروں کاریگروں اور دیگر لوگوں کی حالت کو بہتر بنائے گا جو محض اپنی ہنرمندی کے سہارے زندہ ہیں۔

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۹- ملازمت کے نئے مواقع پیدا ہوں اور اس طرح قوم کی تعمیری سرگرمیوں کا میدان وسیع ہونے سے مزید لوگوں کو کاروبار ملے۔

۷- پبلک سیکٹر اداروں کا کردار وسیع کیا جائے اور اس کی کارکردگی کو بہتر بنایا جائے۔

۸- پرائیویٹ سیکٹر کو مواقع فراہم کئے جائیں کہ وہ معیشت میں اپنا مناسب کردار پیش کرے مگر اس کے ساتھ ہی ساتھ معاشی طاقت اور دولت کو ایک جگہ اکٹھا ہونے سے روکا جائے

۹- قیمتوں کا کنٹرول کیا جاسکے۔ اجناس و روزمرہ کے استعمال کی اشیا عوام کو بآسانی مناسب نرخوں پر میسر آسکیں۔

۱۰- بہبودی بچگان کا ایک پروگرام زیر عمل لاکر سکول جانے والی عمر سے چھوٹے بچوں کو غذائیت سے بھرپور خوراک مہیا کی جائے۔

۱۱- تمام بچوں کو ابتدائی تعلیم دی جائے ثانوی اور اعلیٰ تعلیم کو از سر نو تنظیم دی جائے جو ہماری ملکی ضروریات کے مطابق ہو۔

۱۲- ان مقاصد کے حصول کے لئے آئین میں ضروری ترامیم کی جائیں۔

۶۶- کانگریس واحد جماعت ہے جو ذمہ داروں کے مکمل احساس لے کر عوام کے سامنے اپنا پروگرام پیش کرسکتا ہے۔ کانگرس حلف لیتی ہے کہ وہ ان کاموں کو جو چیلنج کی حیثیت رکھتے ہیں مکمل کرے گی، ایک سماجی انقلاب جو پرامن اور جمہوری ہوگا ہمارے ہر شخص پر اثر انداز ہوگا۔ اور ہماری پوری قوم زندگی کے تمام شعبوں سے گذرے گا۔ کانگرس واحد جماعت ہے جو ایک ایسا سماجی انقلاب لانے کی قوت رکھتی ہے۔

۶۷- عوام اس بات کی طاقت رکھتے ہیں کہ اس پارٹی اور پروگرام کو منتخب کریں جس کے ذریعہ ان کے مفادات کی بہترین ڈھنگ سے خدمت ہوسکے ہم لوگوں سے درخواست کرتے ہیں کہ وہ پھر ایک بار ہمارے حق میں اپنی رائے دیں۔

۶۸- غربت ضرور ختم ہونی چاہیئے، نابرابری ضرور مٹنی چاہیئے، ناانصافی ضرور ختم ہونی چاہیئے، یہ وہ ضروری اقدامات ہیں جو ہمارے مقررہ نشانے کو پورا کرنے کے لئے لازمی ہیں ہمارا نشانہ ایک متحدہ و مضبوط ہندوستان ہے، ایک ایسا ہندوستان جو ہمارے پرانے، بلند اور شاندار اصولوں پر پورا اترتے ہوئے بھی اپنے نظریات اور اپنی کامرانیوں کے اعتبار سے جدید ہے جو مکمل بھروسہ اور وسیع النظری سے مستقبل کی جانب بڑھ رہا ہے۔

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जी दामुख पुस्तकालय (मोजपा)
क्रमांक

شری راجکمار سنگھ نے انڈین نیشنل کانگریس کیمپ آفس ۹/۷ اشوک روڈ نئی دہلی
کے لئے ناز آفسیٹ ورکس دہلی میں چھپوایا

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Five Months

An
account of
the work done by
the Jammu and Kashmir
Government under Prime
Minister, Bakhshi Ghulam Mohammad,
from August 9, 1953 to January
9, 1954, in accordance
with the policy
statement of
August
9,
1953.

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INTRODUCTION

Bakhshi Ghulam Mohammad assumed office of Prime Minister on August 9, 1953, at the most critical hour in the history of Kashmir. For about four months before the August crisis, Sheikh Abdullah's crusade for "independent" Kashmir had created great confusion in public opinion and paralysed the smooth working of the administration. On account of the dictatorial attitude of the former Prime Minister and the intrigues and subterfuges of Mirza Afzal Beg, the former Revenue Minister, the other members of the previous Government felt themselves helpless in giving a correct and practical shape to the noble principles of "New Kashmir".

As Bakhshi Ghulam Mohammad observed in his first broadcast to the people on August 9:

"It has, however, to be recognised that the key to the present crisis lies in the deeprooted economic discontent of the masses of the State. This crisis cannot be overcome by the termination of the States association with India or by a merger of the State with Pakistan. Nor can it be avoided by an alignment with a foreign power. In the history of a people there are no short-cuts to success".

He added :

"During the last five years, serious shortcomings in the handling of the economy of our State have led to some violent dislocations in a number of trades and professions resulting in unemployment and under-employment, economic maladjustments and a heavy fall in the living standards of the people. Along with this, the standards of efficiency and ethics of administration as a whole have deteriorated greatly. This has considerably shaken the faith of the people in the competence and ability of the Government to solve their basic economic problems. There is urgent need, therefore, of paying immediate attention to the economic reconstruction of the State."

We have quoted this statement at length to show that the tasks of giving relief to the people were stupendous. The change in Government confronted the new administration with problems of law and order which were successfully tackled within two weeks, without any serious loss of life or dislocation of economy. Attention was simultaneously focussed on giving relief to the people in every sphere of life.

Five months have passed since the Bakhshi Government has been in office. It certainly is not a reasonable period to take stock of the situation and assess the achievements of the Government. Nor would we be justified in asserting that all the problems of the people have been solved and every element of maladministration, inefficiency and corruption has been eliminated.

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Nevertheless, much has been done to enable us to sketch work of the Government during the short period of the last five months. In the following pages we have made an attempt to give a brief idea of the same.

What is more important is the rehabilitation of the people's confidence in the ability of the Government to redeem its pledges. In the sphere of constitution-making the various committees of the Constituent Assembly have been hard at work. As promised by the Prime Minister, it is hoped that the implementation of the Delhi Agreement will assume a concrete shape by the time the Constituent Assembly meets. The people of Jammu and Ladakh are heaving a sigh of relief after passing through the travails of uncertainty. The administrative machinery is toning up towards the promised objective of honest and efficient administration. The neglected areas of Doda and Poonch districts were personally visited by the Prime Minister and the Revenue Minister—and on spot they redressed the grievances of the people. They issued orders for relief to the people involving an expenditure of more than Rs. 20 lakhs. Similarly in Kashmir Province nearly 3 lakhs of people were mobilized at the various political conventions and the local demands of the people were met on spot. Above all the Government has solved the food problem and everyone admits that the Bakhshi Government has banished the ghost of famine (*Dragadyav*) from Kashmir, which vexed the people for more than six years.

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FOOD AND LAND

One of the first problems to be tackled by the present Government on its assumption of power was the food problem, which had been a source of great misery to the people. The agrarian reforms introduced by the previous Government had satisfied neither the dispossessed landlord nor the tiller because of their defective implementation. What was given to the peasant with one hand was snatched away from him by another, through the inequitous and harsh system of food procurement or *Mujawaza*.

The food procurement system was a racket, which gave a new life to the old anti-social elements such as *Galladars*, *Waddars*, and corrupt Government and village officials, who become fat at the cost both of the peasant-tiller and the common consumer.

Foodgrains used to be collected from the proprietors of land in the form of *Mujawaza* (compulsory levy of payment at a fixed price) and procurement of "surplus" grains. The grains were thus collected for rationing purposes. Collection of *Mujawaza* had come to be associated with barbaric and feudal practices which have no place anywhere in the present-day free world. Government, cooperative and private agencies were employed for making the collections. These agencies did not only extort all sorts of bribes from the peasant during the collection operations, but even made him purchase paddy on cash payment from the black-market at the rate of Rs. 25/- or Rs. 30/- per *khirwar* to be handed over to the Government procurer at the rate of Rs. 9/-. The low procurement price was paid in easy instalments over a period of years. As a result of this policy, the peasant had to mortgage his lands and property to raise money for purchasing paddy at black-market rates to be handed over to Government. For his own requirements too he had to be at the mercy of the black-marketeer.

The accounts of the *Mujawaza* collected were not maintained in respect of each individual peasant, but in an intricate manner for the village as a whole. Payments for collections were not made on spot and in full but by instalments through a number of intermediary revenue and village officials. Only one-third of the payment was made immediately and for the rest, the peasant was made to wait indefinitely. The result of this defective system was that these accounts were never complete and lakhs of rupees belonging to peasantry disappeared in the operations.

The defaulter peasant had to suffer all sorts of humiliation and torture. He could not escape being manhandled and put behind bars. Yet with all such atrocities perpetrated on the poor

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peasant to realize the target fixed by the Government, the requirements of the rationed population could never be fulfilled. In its turn, the rationed population also had to depend on the profiteer-stockists. At one time, rice sold at the rate of Rs. 80/- a *khirwar* in the open market in the valley of Kashmir.

It would be interesting to quote from the Wazir Committee Report some of the torturous methods adopted for the collection of *Mujawaza*.

> "Persons who could not produce from their lands enough to eat even for three months of a year were subject to the levy of *Mujawaza*. No consideration was given to leaving enough food for families according to their strength or the size of their holdings.
>
> "To enable them to deliver the quantity of *Mujawaza* under the levy, peasants had to resort to black-market to purchase the quantity at exorbitant price which was two to three times that fixed by the Government.
>
> "Over and above the fixed levy, grains had been procured either on the so-called "Khush-Kharid" or surplus basis through co-operatives. The general complaint was that procurement under these schemes had actually been made by unscrupulous persons in collusion with the Revenue and the Cooperative agencies, and through coercion and unfair methods.
>
> "That at the time of delivery of *Mujawaza*, a peasant had to deliver 17 *traks* per *khirwar* instead of 16 *traks* at the *Ambar* as otherwise the Ghat Munshi would refuse to take delivery.
>
> "Standard weights and scale were not used at the Ambars and Ghats.
>
> "Payment of advances for *Mujawaza* were not made direct to the peasants but through Lambardars resulting not only in delay but in some cases none or short payment."

This was also the case of "surplus" foodgrains which were collected through the Cooperatives. Though sound in principle, collection of surplus, wherever it was available had in actual practice become another means of inhuman extortion from poor peasantry.

The third method for the collection of foodgrains was known as "Khush-Kharid" system. Under this system licences were issued by the Government in favour of *Galladars* (grain hoarders) for the procurement of grains wherever they could. This agency also functioned in collaboration with corrupt village officials and did not in any way prove less coercive for the peasant.

The collections made under these systems, which had the blessings and support of the Government, went only partly to the Government and a large part went to "invisible" channels. The producer was fleeced in the name of the consumer, who never had his requirements fulfilled, and was consequently sacked by the hoarder-*galladar* in turn. This procurement policy was well described as "a source of enormous profit to officials, of grea loss to the State and of misery and demoralization to thet people."

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It was, therefore, with a deep realization of the distress of the people, on this account, that Bakhshi Ghulam Mohammad on the very first day of his assumption of office as Prime Minister announced that :—

> "...*Mujawaza* shall be rationalized...The *Mujawaza* price of *shali* shall be increased by Re. 1 per *khirwar* immediately. The price of *shali* in the city of Srinagar will be reduced by Rs. 2 per *khirwar*. Due attention will be paid to provide rations in the deficit rural areas."

The consumer could no longer feed fat upon the peasant-producer. This increase in the procurement price and decrease in the sale price was made with a view to helping the producer and the consumer alike. The procurement price was raised from Rs. 9/- to Rs. 10/- per *khirwar* and the rationing price was reduced from Rs. 10/8/- per *khirwar* to Rs. 8/8/-.

A Committee of experienced officials and representatives of the people was set up to go into the food problem of the State and help Government in finding out a solution for it once and for all. The Committee recommended the setting up of a commission of experts which would formulate a scientific scheme to rationalize the system of procurement. Pending the appointment of such a commission, the Government abolished :—

1. the compulsory collection of *Mujawaza* for an initial period of one year, and ordered that payment in full should be made on the spot of delivery to the peasant, who offered, of his own free will, any quantity of paddy to the Government ;

2. the system of "surplus" procurement.

All restrictions on the movement, sale and purchase of paddy were removed, and the ration scale in the city of Srinagar was raised to $4\frac{1}{2}$ *traks* from 4 *traks*. Subsequently, from the month of Maghar the scale of rations per head per month was raised to 5 *traks*.

The sale rate of Jammu rice issued by the Food Control Department, in Srinagar was reduced from Rs. 25/- to Rs. 8/-, and of wheat atta from Rs. 25/10/- to Rs. 20/-.

These measures have cut at the very roots of the evil practice of hoarding and profiteering in grains. The consumer whose scale of ration is increased by 25% and who now gets rations for as many members as he actually has, without any difficulty, has now enough and to spare. He is no longer obliged to go to the black-market. Nor does the peasant suffer in any way. There is no compulsion on him to part with his grains. The needs of the consumer public having been fully satisfied, the hoarder cannot find any market for his stocks.

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The maximum price offered for grains is that of the Government, which is also the only purchaser left in the circumstances.

This policy has :

1. rid the peasant of all the evil effects of the previous procurement system ;

2. eliminated the stockist-hoarder, the *galladar*, altogether ; and

3. ensured voluntary offers of all surplus grains available with peasants to the Government.

Since the introduction of these measures, it has been found that rice and paddy are freely available in the Valley at prices anywhere between the procurement and the sale price fixed by the Government.

Similarly, sale price of wheat atta and rice issued from Government Depots in Jammu city has been reduced from about Rs. 18/- to 12/8/-. The restriction on movement within the State of pulses like *Rajmash*, *Moongi*, *Mash*, *Peas*, etc., has also been removed.

* * * *

Under the big Landed Estates Act, and in consequence of allowing exchange of private land with State land, huge areas had escheated to the Government without being properly utilized. The present Government has authorized the Revenue Minister to distribute such lands among landless persons and petty landholders, who are given the status of tenants-at-will. Such recipients are thus in a position to help themselves and the country by putting the land under cultivation. They also pay all dues in the form of land revenue and other cesses to the Government.

* * * *

The Valley was suddenly faced with an imminent danger of floods due to heavy rains early in September 1953. The water level in the Jhelum rose by about 8 feet during the course of one day, and if this pace were maintained for another 12 hours the city of Srinagar should have been faced with an utter disaster.

The Government was alert. By 5 in the evening, the entire Governmental machinery had been mobilized to take adequate preventive measures. Various agencies were set up to run men and material wherever required. The situation was saved by the cooperative effort of the people and the Government functionaries.

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The bunds gave way at Kandizal and 176 villages with a population of about 90,000 were effected. An area of 18,000 acres was submerged. No damage was caused to life but five houses collapsed and 4 were partially damaged. The damage to crops is estimated at about 12%.

The Sadar-i-Riyasat, the Prime Minister, and Members of the Cabinet and the President of the Constituent Assembly visited all affected areas and personally supervised all flood relief measures. Over 25,000 maunds of rice, besides paddy, sugar, salt and clothes were immediately rushed to the affected areas and distributed among the sufferers. In addition cash relief amounting to Rs. 1,00,000 was distributed.

* * * *

Abiana is a cess levied for the provision of irrigational facilities to the peasants. This system too had become a source of exploitation for the corrupt revenue agencies. In some cases *Abiana* was extorted from the people of a particular rural area for an imaginary *Khul* or canal. Sometimes slight repairs to a canal would result in the imposition of heavy *Abiana* on the people of the locality. And to cover it all, *Abiana* had been levied on such lands too for which revenue was already being paid at *Abi* rates fixed at the last settlement.

Following concessions were, accordingly announced on September 3, 1953, regarding the levy of *Abiana* on different types of lands :—

1. *Abiana* shall not be charged on old *abi* lands in case of canals built before the year 1948-49.

2. Assessment will be made on *Khushki* (dry) rates instead of *Abi* rates in case of all areas irrigated by canals built by the Irrigation Department or Khuls remodelled by it from the year 1948-49.

3. Concessions of 25% and 12% respectively in the *Abiana* rates shall be given to old irrigators, whose lands are classed as *Abi Awal* and *Abi Daum*.

It is estimated that these concessions will amount to about Rs. 31,000 per annum in the Kashmir Province alone.

* * * *

For the facility of the people five new Nayabats have been set up in :

1. Zanskar (Ladakh),
2. Budhil (Rajouri-Poonch),
3. Naugam (Doda),
4. Chenani (Udhampur), and
5. Majritha (Jammu).

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Zanskar generally remains cut off from Kargil and Leh Tehsil during winter. During summer months the passage is rendered difficult because of floods. It was, therefore, generally not possible for the people of Ranthak Shah and Padam Patwar Halqas in Zanskar to reach the Tehsil headquarters either at Leh or Kargil. The new Nayabat will cover 25 villages.

The Nayabat at Naugam in Doda District has been established for the facility of the people in the far-flung areas of Warwan, Nopchi, Irdu, Qadarna, Lopara and Jawale in Kishtwar Tehsil. Severe winter and difficult terrain made it impossible for the people of these areas to attend the Tehsil headquarters. Similarly in the case of Budhil Niabat which will now be the most convenient place for inhabitants of the area.

EDUCATION

The present percentage of literacy in the State is a constant pointer to the urgent need for the promotion of education. This problem had been rendered more difficult for want of appropriate medium of instruction in the primary stage in the three units of Jammu, Kashmir and Ladakh. There was no scope for the cultural uplift of the backward classes. These and other allied problems had long been felt, but nothing substantial was done to solve them.

It was, therefore, with a full realization of the needs in this direction that the Prime Minister, Bakhshi Ghulam Mohammad outlined the educational programme of the State in these words :—

> "In order to raise the cultural level of the masses, we will soon announce comprehensive cultural and educational programme for the country. Certain bureaucratic tendencies in our educational system have caused great hardships to our students and teachers. The difficulties of the teachers about the revision of grades will be removed and every teacher will get a minimum salary of Rs. 50 p.m. Educational fees will be abolished in schools and colleges for those whose income is below Rs. 100 p.m. The system of co-education in schools will be abolished except where parents willingly send their children to mixed schools. Cheap text-books will be provided to students and arrangements will be made to supply free books in the primary stage of education.
>
> "Every effort will be made to develop our national languages, particularly, Kashmiri, Dogri and Ladakhi. The medium of instruction in the primary stage will be the mother tongue. The publication of suitable text-books will be expedited. Academies will be established to provide scripts for languages which have no script or whose script is lost to the people. Special scholarships will be provided for the spread of education amongst backward classes, such as Kashmir Muslims, Harijans, Sikhs, Ladakhis, Gujjars, and Bakrawals."

Immediate measures have been taken to fulfil this pledge.

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Education has been made free in the entire State. Tuition fees in all Government educational institutions have been abolished. Jammu and Kashmir is perhaps the only place, at any rate in India, which has taken such a step of far-reaching consequences. By inducing all boys and girls to take to education without expense, this single measure is calculated to go a long way in the development of human material for the achievement of cherished "New Kashmir."

Immediately, a student population of about 1.25 lakhs in following Government educational institutions has been benefited :

Names of Institutions		*Number*
Colleges	...	7
High Schools	...	52
Middle Schools	...	146
Primary Schools	...	1,031
Maktabs & Pathshalas	...	134

The previous Government had stopped grants-in-aid to most of the private educational institutions and in the case of the rest, it had imposed a 25% cut in the grants-in-aid. This discouraging policy had resulted in the extinction of several private educational institutions. Because of the very thin resources at the disposal of these institutions, this policy had proved a tremendous set-back to the promotion of education in the country.

The present Government has with effect from the beginning of the current financial year *i.e.* 13th April, 1953 :

1. released grants-in-aid in the case of all such private educational institutions, in whose case it was stopped by the previous Government ;

2. restored 25% cut wherever it had been mposed.

This measure, which is estimated to cost the Government over Rs. 2 lakhs annually, will benefit 6 High Schools, 29 Middle and Primary Schools, 1 Girls College and 8 Girls Schools.

Grants-in-aid have also been sanctioned in favour of some of the private educational institutions which did not exist before, notable among them being the Gandhi Memorial College, Srinagar. This college now gets an aid of Rs. 15,000 per annum.

The Prime Minister made extensive tours throughout the length and breadth of the State and in view of the needs of

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the people issued orders on the spot for the establishment of educational institutions at various places.

Accordingly, Boys High Schools have been established at :

1. Bummai ... Sopore Tehsil.
2. Hawal ... Sopore Tehsil.
3. Kukarnag ... Anantnag Tehsil.
4. Rang Teng ... Srinagar Tehsil.
5. Jammu city

A Girls High School has also been established at Nawakadal. The Government has taken over the Maharani Mahila College at Jammu, and the city has now a full-fledged Government Degree College for women.

In addition, 100 Primary Schools have been started with the double purpose of removing educated unemployment and promoting literacy among the backward classes in different parts of the State. Of these 50 are run on Governmental level and 50 on grant-in-aid basis. 200 more such schools will be set up by the beginning of the next financial year.

The Prime Minister has also promised the setting up of Intermediate Colleges at :

1. Poonch.
2. Baderwah.
3. Hiranagar.

Buildings for this purpose have already been made available at Poonch and Hiranagar which are being remodelled to suit the particular requirements of the institutions. In Baderwah, construction of the building has been started. The three colleges will have started functioning in April next.

St. Joseph's College at Baramulla, which had ceased to exist as a consequence of the tribal invasion in 1947 is also being revived by the beginning of the next financial year. A Girls High School is being set up at Sopore.

Special facilities are being provided for the promotion of literacy among the Gujjar community. In order to provide for prompt and efficient supervision over the educational institutions in the far-flung areas of the Doda District an Assistant Inspector of Schools with appropriate staff has been appointed with headquarters at Doda. This has obviated the

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difficulties caused to the people of the area by the location of the Inspectorate at Udhampur.

One of the major difficulties with the students was that they could not take up physical sciences in Government colleges because of the inadequacy of staff and equipment. This totally prevented some of the very good students from applying themselves in the pursuit of scientific knowledge, in spite of their aptitude for the same.

Arrangements have now been made to expand the Science Departments in all the Government Colleges. The teaching staff has been strengthened, and adequate apparatus is being provided. The difficulties of accommodation are also being removed. It is hoped that no student desirous of taking up sciences will be prevented from doing so from the commencement of the next academic year.

On account of severe cold in the Kashmir Province, there used to be some sort of heating arrangements in educational institutions during the cold winter season. But the previous Government had stopped even this concession altogether, with very telling effect on the efficiency of the students. A sum of Rs. 13,000 has now been granted to these institutions for heating arrangements for the current winter season.

As the Prime Minister has declared, urdu will continue to be the medium of instruction ; but alongside of it the regional languages like Dogri in Jammu, Bodhi in Ladakh and Kashmiri in Kashmir will be developed to their full stature for the best expression and advancement of the culture of the people of these regions. To achieve this objective, two committees have been set up to go into the question of adopting Dogri and Bodhi as the medium of instructions in primary classes in the Jammu and the Ladakh areas respectively. The Jammu committee is conducting its deliberations under the chairmanship of Shri Girdhari Lal Dogra, Finance Minister and the Ladakh Committee under the chairmanship of Shree Kaushak Bakula, Deputy Minister for Lodakh affairs.

Nor has the teaching staff been ignored. Qualified teachers continued to hold a pay scale of Rs. 30—2—50.

The present Government has fixed the minimum scale of pay for an ordinary teacher at 50—5—90—6—120 and the least that a trained graduate now gets is Rs. 80—8—200.

Co-education has been abolished in primary and secondary schools. Now there are separate high schools and colleges for girls both in Jammu and Srinagar. Girls can join Boys' Schools only where their parents want it.

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CO-OPERATIVES

The co-operative movement had became a "symbol of tyranny" in the countryside. The Wazir Committee, which toured the entire State in March-April 1953, had the following remarks to make about the functioning of the movement :

> "During our tours in the Muffasils of Kashmir Province we were greatly distressed at the almost unanimous demand from the people at large including unsophisticated peasants at almost every place in huge public gatherings that all that they wanted was that they be relieved from the tyranny of the co-operatives.....It is a pity, however, that in actual practice such a laudable movement should have been implemented in a manner so disadvantageous to the consumer that it has created hatred and distrust in the minds of the peasantry. The people, one and all, spoke against this movement and wanted to get rid of it as soon as possible. Apparently the Co-operative Movement has not been functioning well which has completely destroyed its utility. In fact the Committee feel that the Co-operative Movement has received such a set-back that it is doubtful if it can ever rehabilitate itself in the Muffasils of Kashmir....."

The movement had been organized with the pious idea of filling the gap created by the disappearance of the money-lenders. The previous Government therefore started with pompous pronouncements about the objectives of co-operatives, such as :

1. to scale down debts outstanding against members of the Co-operative Society to the extent of their paying capacity,
2. to spread the reduced debt over a number of years,
3. to take surrenders of lands and leave it back to the members of the societies for cultivation,
4. to supply co-operative finance,
5. to encourage repayment in kind,
6. to supply necessaries of life.

Accordingly a net-work of Multi-purpose Co-operative Societies was organised to supply the necessaries of life and afford financial assistance, accommodation and marketing facilities to the members.

But these measures were more honoured in the breach than in observance. The peasant's lot became worse than it was before. His sources of credit dried up. The co-operative credit societies singularly failed to build alternative agencies of credit and advances made by them have been very meagre. The unsound credit movement made it very hard for a member of average means to liquidate his debts. Rural credit movement can only be revived if debts are scaled down to the extent of the repaying capacity of members.

Nor was the urban credit movement well organized, the middleman's profit could not be eliminated. He continued to feed

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KHAWAJA GULAM MOHD. SADIQ
Health & Education Minister

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fat. Poor artisans and workers failed to receive any incentive and encouragement from the cooperatives. The vegetable sellers, papier machine makers, mutton dealers, carpenters, wood-carvers etc., were jubbled together in one society. Organization on class basis was lacking. As supplying agencies of the necessaries of life, the Cooperatives were not upto the mark. Accounts of the peoples monies were not properly maintained, and huge amounts were found missing in some cases.

In this connection, Bakhshi Ghulam Mohammad made the following observation on his assumption of office as Prime Minister on August 9, 1953 :—

> "...The functioning of the Cooperative stores will be thoroughly investigated and after purging them of their present corrupt elements and other evils, will be reorganized on sound lines. The Government will allow the re-opening of competitive retail shops, which can buy supplies from the free market. State trading organizations will function only for the purpose of keeping prices at a competitive level so that there is no profiteering by private traders and the adequacy of supplies is ensured throughout the year in all parts of the State.
>
> "...The cooperatives credit societies have failed in building an alternative agency of credit and during the current year the total advances made by them have been very meagre. In the first instance, we shall ear-mark a sum of Rs. 15 lakhs in order to organize alternative agencies of credit in rural areas and for the artisan, boatman and small shopkeeper in the towns. Co-operative debts would also, be stayed in cases of genuine distress on the recommendation of popular committees.
>
> "...Evictions will be stayed wherever land transfers have taken place and where lands have been distributed under Grow More Food campaign. The arbitrary authority of Tehsildars and other Revenue Officers will be subordinated in such matters.
>
> "...In order to increase food production, a sum of Rs. 5 lakhs will be ear-marked for supplying better seeds and fertilizers at concession rates."

Soon after the establishment of the present Government, a committee of officials and non-officials to go into the defects and failings of the cooperative movement and suggest measures for remedying them. The report submitted by the committee is receiving the attention of the Government. Meanwhile, measures are being taken to improve the working of the organization.

On the 7th of September, 1953, the cooperators met in a conference at Gopalpora, 6 miles away from the city of Srinagar. This was the place where five years before a great experiment in collective farming had been made and later left half-way. It was a unique occasion inasmuch as it afforded the cooperators an opportunity to judge the past and plan for the future. After thorough deliberation, they adopted several resolutions for the reorientation of the movement, which are receiving the consideration of the authorities concerned for being properly implemented.

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With the removal of controls on sugar, salt and cloth co-operatives have ceased to have the monopoly as their sole distributing agency in the Kashmir Valley. But they continue to distribute these commodities with good results. It has been experienced that in the absence of controls, the moment can under proper guidance and supervision, function as an effective lever for the stabilization of prices. This is illustrated by the following figures or purchases made by the cooperatives in Srinagar before the removal of controls and after :—

Sawan 2010

	Quantity	*Price*
Before the removal of Controls		Rs.
Sea Salt	20,360 Mds.	1,12,218
Rock Salt	562 ,,	...
Sugar	250 ,,	10,125
Cloth		40,000
After the removal of Controls		
Bhadoon 2010		
Sea Salt	20,100 Mds.	1.97,382
Rock Salt	985 ,,	...
Sugar	3,302 ,,	1,32,987
Cloth		4,60,000
Assuj 2010		
Sea Salt	21,450 Mds.	2,51,687
Rock Salt	2,700 ,,	...
Sugar	4,750 ,,	1,88,306
Cloth		20,000
Katik 2010		
Salt	15,500 Mds.	1,43,375
Sugar	3,852 ,,	1,52,223
Cloth		20,000
Magher 2010		
Salt	37,000 ,,	2,41,753
Sugar	9,793 ,,	3,85,826
Cloth		10,000
Poh (upto 20th) 2010		
Salt	37,000 Mds.	2,28,529
Sugar	6,415 ,,	2,53,415
Cloth		28,800

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Sugar which is being sold in Jammu at Re. 1 a seer, is being sold in Srinagar by Cooperatives at Re. 1/-/6 a seer and Rs. 1/1/- a seer in *Muffasils*.

Following measures have been taken in order to eliminate intermediary agencies between the Apex Institution and the Primary Agencies and to ensure safety of cash and speedy despatch of goods :—

(a) The Stores and the Unions have been put on equal footing and intermediary agencies between the two have been eliminated.

(b) All transport has been centralized with the Apex Institution.

(c) A contractor has been appointed with a heavy security for carrying goods from the Apex Institution to various stores and unions and cash proceeds therefrom to the centre at Srinagar.

During the past few years most branches of the Cooperative Bank did not repay deposits. Most of the Credit Societies existed only in name and did not make any recoveries. Consequently, all these outstandings were converted into bad debt. With a view, therefore, to enable the Banks to regain their lost confidence and provide relief to the debtors of Cooperative Societies, the Government have already sanctioned a subsidy of 5 lacs of rupees, to be utilized of the scaling down of debts. The Cooperative Banks will get subsidy to the extent the debts of the cooperators are reduced. The idea is to reduce such debts by at least Rs. 17,00,000. The debts have been scaled down in most cases in the city of Srinagar and other rural areas which the Prime Minister Bakhshi Ghulam Mohammad has visited. Arrangements are also afoot for the provision of rural finance—and for this purpose an Apex Bank is being set up.

The Gopalpora Collective Farm, which had been closed down has again been revived.

The working of Induscos has been reorientated, and connections have been strengthened with the Indian Cooperative Union which is marketing their goods. Prices of goods have been rationalized with better results. During the last five months, the Induscos have purchased raw material worth Rs. 5,000/- on the average per month against about Rs. 1,000/- previously. Similarly, the sales registered an increase from Rs. 2,900/- to Rs. 42,000/- on the average per month.

CONTROLS AND CUSTOMS

In order to ensure free flow and supply of commodities essential to the life of the people the present Government have taken prompt measures to relax and lift controls.

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All restrictions on the import, sale and distribution of cloth and yarn have been removed. The trader is now free to import and sell cloth without any license and the consumer is at liberty to purchase wherever he chooses at prices that may suit his purse. Due to its unrestricted import and free sale, the prices of cloth have fallen appreciably.

The supply position of cement, coal, iron and steel has considerably improved and issues have been liberalized.

Petrol has completely been de-rationed.

In Srinagar, the prices of meat and milk and other such commodities of daily use have been considerably reduced. Meat now sells at the rate of Rs. 1/12/- a seer against Rs. 2/8/- in the past and milk at Rs. 1/4/- a seer against Rs. 2/-.

Customs duty of Re. 1/- per maund on salt has been abolished. Other charges on its import have also been reduced by about -/8/- per maund.

As a result of the abolition of *Mujawaza* and removal of other restrictions on the sale and movement of foodgrains, rice is now openly selling at the rate of -/3/- a seer in Srinagar. In Jammu, the Government have brought down the prices of foodgrains by selling their own stocks at subsidized rates. In the far-flung areas like Doda, Baderwah, Kishtwar etc., also sale prices of salt and rice have been subsidized. In Baderwah alone, rice is being sold at the rate of Rs. 10/- per maund against the landed cost of about Rs. 26/- per maund.

Customs import duty on all medicines and drugs has been abolished. This single item was yielding an income of Rs. 2,30,000 annually to the Government.

FIVE-YEAR PLAN AND COMMUNITY DEVELOPMENT PROJECTS

The Jammu and Kashmir State had initially prepared a Five-Year Plan for the period of 1953-54 to 1957-58. At a preliminary discussion between the Planning Commission and representatives of the Jammu and Kashmir Government it was agreed that this Plan should be recast for the same period as India's Five-Year Plan, namely 1951-52 to 1955-56. This revised plan was then examined in detail by officers of the Planning Commission and, as a result of this examination, the total size of the State Plan was fixed at Rs. 13 crores to consist of :

(a) Banihal Tunnel ... Rs. 3 crores

(b) Development works to be financed out of central assistance ... Rs. 7 crores

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Mr. SHAM LAL SARAF
Minister of Development

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Mr. MIR QASIM
Revenue Minister

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(c) Development works to be financed out of the revenues of the State ... Rs. 3 crores

Under this scheme, work had already been started in the spheres enumerated below, but in actual practice the development Plan had left no visible impact on the lives of the common people :—

1. Agriculture and Animal Husbandry ;
2. Cottage Industries ;
3. Drug Farming ;
4. Irrigation ;
5. Construction of roads ; and
6. Production of Power.

* * * *

Under the All India Plan for Community Development, one Project has been allocated to the Jammu and Kashmir State. This has been divided into three blocks in the State : one each of Kashmir Province, Jammu Province and Frontier Area.

The aim of the project is to foster self-help among the people so as to be able to develop the country economically socially and physically. The project aims at placing all possible assistance at the disposal of the people of a particular blocks so that they are able to canalise their energies freely and voluntarily on a collective basis for improving the methods of agriculture and all their physical and social environment.

The following areas have been selected for the blocks :

1. Badgam area in Kashmir Province,
2. Mansar area in Jammu Province,
3. Ladakh Block in the Frontier area.

Funds for the project have been provided out of the State's allotted sum of Rs. 13 crores under Five-Year Plan, in the following manner :—

1. Government of India's share out of Rs. 10 crores provided for the Five-Year Plan. ...	Rs. 30 lakhs
2. State Government's share out of Rs. 3 crores provided for the Five-Year Plan ...	Rs. 15 lakhs
	Rs. 45 lakhs

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The Project is to be completed within a period of three years ending 1955-56.

The allocation of funds among the three blocks for which elaborate plans have been made, is :—

1. Badgam Block	...	Rs. 20 lakhs
2. Mansar Block	...	Rs. 20 lakhs
3. Ladakh Block	...	Rs. 5 lakhs

A Development Commissioner of the Status of a Chief Engineer has been appointed to supervise and conduct the work of the Five-Year Plan and of the Community Development Projects.

The Badgam Community Project Block has recorded appreciable progress in the various spheres of its activity as a result of the enthusiastic response from the people to the call for voluntary help. In addition to two miles of Beru-Raithan road, bridle roads between Suresh and Beru and Trapay and Hamchipora have been constructed. An Agricultural Farm has been opened in Cheki-Shera where sowing of seeds has been completed. Arrangements are afoot to establish another farm at Beru. Ten thousand fruit trees have been got reserved in the nurseries of the Agriculture Department for distribution in the Project area during the next spring season. A building is being constructed for the Veterinary Dispensary at Beru. A Plan has been prepared for the protection of the water spring at Khan Sahib and the work will be taken in hand shortly. Similar arrangements are being made for the protection of water-springs at Badgam, Beru and Camroo. Steps are being taken to arrest erosion in the Beru area. A large number of pits have been got dug and plantation of trees from the Community Project nurseries at Hamalpora, Parnewa and Beru will begin in early spring.

An amount of Rs. 6.02 lakhs has been allotted to the Badgam Community Project Block to be utilized in the execution of different works within the next three months of the current financial year.

The Mansar Lake Community Project Block, which consists of 230 villages scattered over 250 sq. miles, has been allocated an amount of Rs. 5,96,000, for the execution of various developmental schemes before the end of the current year. This block has also made appreciable progress in various spheres of its activity. About 15.418 acres of forests have almost been closed to check land erosion. Four nurseries with about 60,000 scantlings have been laid out and about 12,000 trees have been planted. Imported seeds of wheat weighing about 30 maunds were distributed among the people of the area for multiplication purposes. The area is a rich potential of game and fisheries, and efforts

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are being made to develop these preserves to the fullest extent possible. The Mahsheer variety of fish has been found in abundance in the area. Three sanctuaries have already been set up for fish in the branch of the river Tawi that passes through the area.

It is proposed to start two High Schools, and ten primary schools. in the area and to upgrade some primary schools. People of the area have already started six primary schools themselves. In order to revitalize the sports and cultural activities in the existing schools, play grounds have been constructed, and dramas and fairs are being organized from time to time.

Mansar Lake has been directly linked with Sambha by a 14-mile road. Another 4-mile road and a rest-house in the area have also been constructed. People themselves have constructed a four-mile r ad and a 100-yard spur dam to protect some villages against the floods from a *nallah*.

Six pools and one well have already been constructed.

The number of Panchayats is being raised from 10 to 13.

There had been no vaccination in the area for the past seven years. About 1000 children and 500 adults have been vaccinated against small pox.

About 1,600 cattle have been treated for foot and mouth diseases and 400 have been inoculated against H. S. disease. For breeding purposes, 20 stud bulls have been sent to the area.

The Ladakh Community Project Block has also been allotted a sum of Rs. 2.02 lakhs to be spent within the next three months of the current financial year.

NATIONAL EXTENSION SCHEME

It has now being proposed to amalgamate the State's Five-Year Plan and the Community Development Project with the National Extension Scheme. In India the Extension Scheme aims at covering nearly 120,000 villages with a population of 8 crores during the Five-Year Plan period of 1951—56. Here in the State in view of the comparatively backward conditions it is proposed to modify the general lay-out of the scheme to cover the entire State. The extension programme, which is rather restricted in scope, covers a wider area, while the community development scheme, which aims at all-round Development is designed to concentrate on particular areas.

Under the All India Plan for National Extension, which is to embrace 12,000 blocks, each block consists of 100 villages

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with a population of 66,000. But in view of the peculiar geographic and other economic and social conditions obtaining in the State, we are going to have about 20 blocks—one for each Tehsil. This scheme is roughly estimated to cost about a crore of rupees or say Rs. 5 lakhs on the average for each Block. The idea is to so graft the Extension Schemes with the Community Project, the Five-Year Plan and the functioning of the various beneficent Departments as to leave a permanent machinery in rural areas through which development work can be canalized in future.

The scheme, which is a major step in the direction of achieving the objective of a welfare state, gives a new orientation to the approach for the solution and handling of the development works of the people. So long the thought and energy of the Government had been directed solely towards the problems of law and order and imposing on the people decisions arrived at the top. But this outlook has undergone a complete change as soon after assuming the office of Prime Minister, Bakhshi Ghulam Mohammad said before a mammoth gathering in Srinagar:—

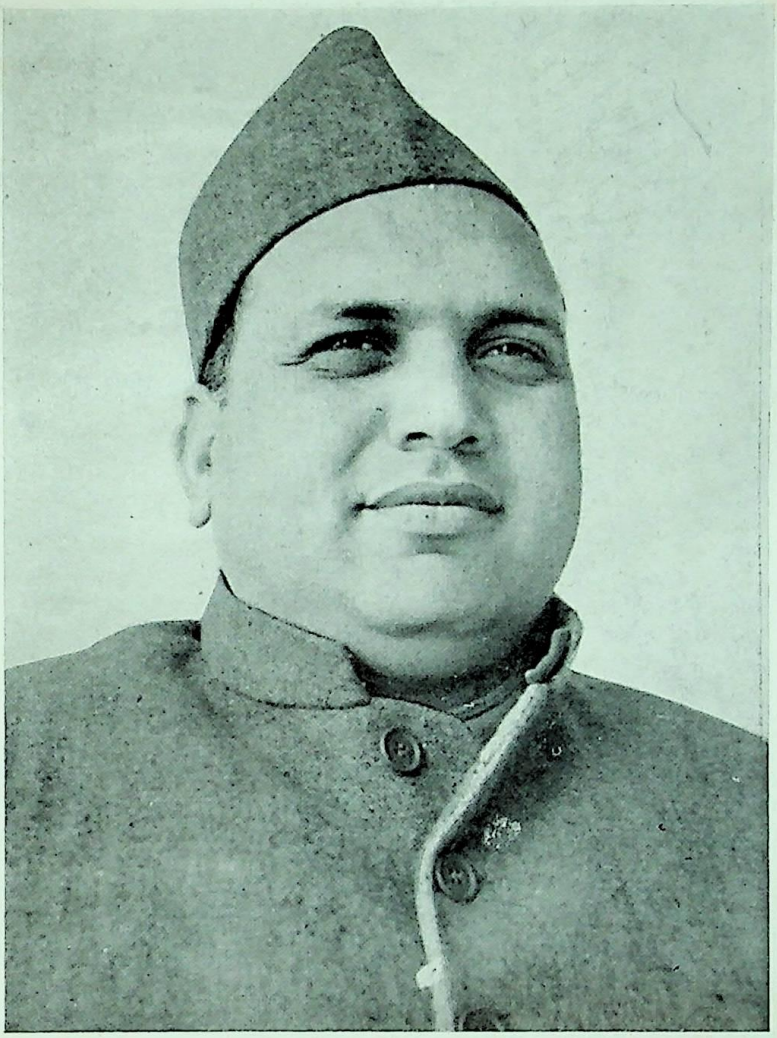
> "We have assumed office not for any love of or lust for power...We have done it in all humility for the service of the country and the people. It is for you to form committees, find out what your needs and problems are, suggest solutions for them giving priorities wherever needed...It is our duty as your servants to implement your decisions."

The National Extension Scheme is designed to fulfil this objective. So far we persistently started from the top and now we start from the bottom. The common man now gets the chance to consider for himself his social and economic problems and find out solutions for them. Because of the unusual consciousness among the people of Jammu, Kashmir and Ladakh, the Scheme is sure to have a healthy response in the shape of voluntary effort on the part of the people that is so essential for its success.

Under the scheme it is proposed to form village or Deh committees comprising village level workers one each from 15 contiguous villages who will choose a President from amongst themselves. These committees will meet once a week and frame lists of their problems and plan schemes for their solution. An elected representative from each village committee will go to form the Tehsil Committee, which will in its turn elect its own President. The Tehsildar will be associated with the deliberations of the Tehsil committee as an observer. The Tehsil committees will consolidate the requirements of the Deh Committees and make recommendations to the District committees, which will similarly consider the issues and approach the Provincial Committees. These committees will be meeting every month.

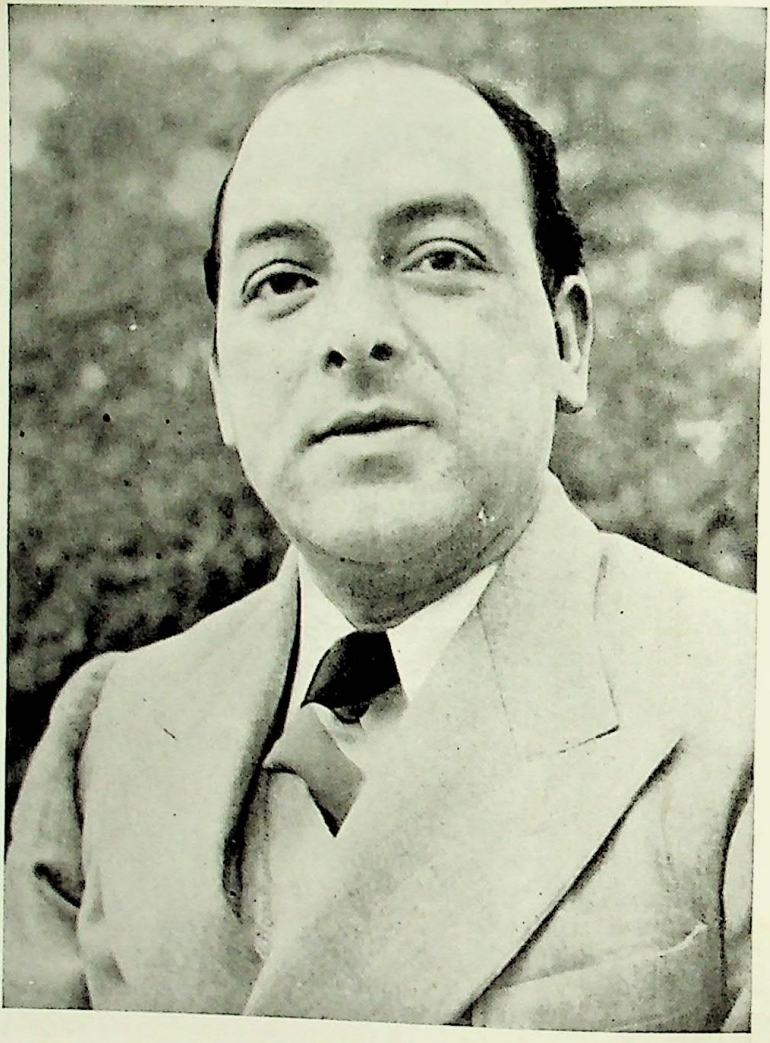
A Block officer for the co-ordination and execution of the Extension works will be in-charge of each tehsil and on the provincial level there will be Deputy Development Commissioners. The Development Commissioner will be the chairman of the Board of Development and will administer the Extension Scheme for the entire State.

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Pandit GIRDHARI LAL DOGRA
Minister of Finance

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D. P. DHAR
Deputy Home Minister

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The Board will be meeting often to lay down Plans for execution. At the top there will be a Development Council comprising members of the Cabinet.

The Development Commissioner will have an Engineering wing to render technical assistance and advice in the execution of works in the Blocks. The Block officers will co-ordinate with the help of the peoples' representatives—village level workers—the functions of the various Governmental agencies in the Tehsils.

One of the main pre-requisites for putting through the scheme is the appropriate training for the multi-purpose village level worker, who forms the back-bone of the organization. In India already 34 or more such Training centres have been set up. Here in the State, a Training Class of 100 village-level workers under qualified teachers is being started in the S.P. College premises shortly. After the winter season is over, the school will be shifted to a place near Shalimar gardens, where suitable accommodation is being arranged and a model farm of 100 acres laid out to enable the trainees to conduct experiments. The first batch of the workers will complete its training in a period of six months, the second and the third batches of 200 students each in one and one and a half years respectively so that the proper human material is available in time and the first phase of the scheme is completed within scheduled time of the Five-Year Plan. An all embracing curriculum has been prepared for the trainees to render them fit for the onerous work of self-help and national reconstruction.

The scheme is designed to get a permanent place in the national-set up of the State after the initial phase of three years is completed. Making best use of the spare time the village level worker will solely contribute the effort and assistance in the shape of technical guidance money and material will be solely made available by the Government.

ADMINISTRATIVE REORGANIZATION

To bring the administration on a sound footing, the entire Secretariat has been reconstituted. Portfolios have been reshuffled amongst the members of the newly formed Government, to make for the grouping together of allied departments. The people of Ladakh have so far had no opportunities for association in the administration of the area. There is now a Deputy Minister, Shri Kaushak Bakula, the popular leader of the Ladakhi people, associated with the Prime Minister, who deals with all the affairs connected with Ladakh.

To enable the Government to take necessary measures towards the establishment of a State Public Service Commission as a

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statutory body in the immediate future, a Committee has been set up comprising :

1.	Sardar Prithvi Nandan Singh, ex-Inspector General of Police ...	Chairman.
2.	Mr. M. K. Kidwai, Chief Secretary	Member.
3.	Mr. R. L. Gupta, Finance Secretary	Member.
4.	Mr. Somnath Prohit, Director Local Bodies ...	Member.
5.	Mr. Habib Ullah Kamili	Member and Secretary.

This committee has been directed to :

(i) examine the existing Kashmir Civil Service, Recruitment and other rules governing recruitment to the Gazetted cadre and the holding of the Kashmir Civil Service competitive tests ;

(ii) examine the rules for the holding of departmental examinations ;

(iii) suggest measures to ensure equitable representation of the various sections of the people and to provide special opportunities and incentives for securing adequate representation of under-represented communities in Government service ;

(iv) advise the Government for the time being with regard to recruitment to Gazetted cadre ;

The Committee has also been directed to :—

1. examine the working of all the departments of the Government including the Secretariats (excepting the Assembly Secretariat) in order to ensure efficient and speedy disposal of business ;

2. suggest measures of economy in expenditure in the administration, wherever possible ;

3. examine the question of reorganization of services wherever necessary ; and

4. conduct an appraisal of the revenue resources of the State.

The Committee has the power to co-opt any person in its deliberations and also to appoint Sub-Committees and associate as members of the Sub-Committees, Government Officers from any department.

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It is expected that as a results of the work of this committee the administrative machinery will be reorganised in such a way that people get an efficient and honest administration.

Revision of Grades

With a view to affording economic relief to services, the salaries of all civil Gazetted and non-Gazetted employees were revised with effect from the 1st of Badoon, 2010 (15th August, 1953). The revision involves an expenditure of about Rs. 49.27 lakhs per annum, of which Rs. 47.03 fall to the share of non-Gazetted services, and Rs. 2.24 lakhs to the share of Gazetted Services.

The most outstanding feature of the scheme is that the lowest paid employees get maximum percentage of increase in the scales of their pay as well as a substantial increase in their minima. Thus an employee in the old scale of Rs. 12—1/3—15 has now been put in the grade of Rs. 20—1—35 plus a ration allowance of Rs. 12/- per month. The increased percentage in their case works out at about 38 to 43 per cent.

While on the whole, pay scales of non-Gazetted Services have been liberally revised, special consideration has been shown to such cadres as were not adequately paid keeping in view volume of their work and the responsibilities devolving on them. The following services fall in this category:

Designation	*Previous scale*	*Special revised scale*
Tehsildars	150—10—250	175—15—325
Rangers	200/- 110—7—180 90—6—150 75—5—100	90—6—150—EB—10—230
Teachers	40/50—5—70—EB—6—90 40—4—80 35—3—65 30—2—50	50—5—90—EB—6—120
Naib Tehsildars, Inspectors Customs & Examiners / Surveyors of Income Tax Department	90—6—150	120—8—200

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Designation	*Previous scale*	*Special revised scale*
Agriculture Assistants	90—6—150	150—10—250
Grading Inspectors Junior Agriculture Assistants, Stenographers of Major head of Departments	75—5—100	100—7—135—8—175
Mining Inspectors	50—5—100	
Monitor Operators of Telephone Department, Inspector Jammu Water Works	50—5—100	70—6—130
Supervisors of K.V. Food Control and Telephone Operators	40—4—80	50—5—90—6—120
Girdawars, Asst. Qanungos, Foresters, Grazing Foresters, Jamadars of Game Department, Head Seed Examiner	35—3—6	60—4—100
Patwaries	30—1—40	50—3—80
Head Watchers & Deputy Foresters of Forest and Tawaza and Game Department.	25—1—35 30—2—50	50—3—80
Watchers	12—1/3—15	30—1—35

The minimum pay of a clerk has now been fixed at Rs. 50 p.m. instead of Rs. 30. In the general re-organization scheme of the Education Department, the pay scales of unqualified teachers had not been revised. Now their scales have been revised and put at Rs. 50—5—90—EB—6—120. Thus no teacher now gets less than Rs. 50 p.m. The pay scale of constables has been raised from Rs. 35—1—40 to Rs. 45—2—65.

With a view to granting some immediate monetary benefit to the services in general, advance increments have been sanctioned on the following basis :—

1. Those whose present emoluments are Rs. 100 and below — 3 advance increments

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2. Those whose present emoluments are over Rs. 100 but below Rs. 250 — 2 advance increments

3. The rest — 1 increment.

Subject to these conditions, grant of advance increments has been further regulated by the length of service in the existing grades. Three advance increments have been granted in the case of those who had completed not less than six years' service in the grade and two in the case of those who had completed not less than four years' service in the grade. In the case of all others who did not fulfil these conditions, one increment was granted provided they had completed one year's service in the grades held by them at the time. In order to enable the employees to avail of the benefit of advance increments to the full extent, they have been given the option of continuing in the old scales till they earn the next increments in the old scales.

All employees whether Gazetted or non-Gazetted getting more than Rs. 250 p.m. have uniformly been granted one advance increment.

While in the case of low-paid employees, pay scales have been revised to effect increases both in the minima and maxima, in the case of all Gazetted officers whose grades start from Rs. 200 and above, an uniform addition of Rs. 100 has been made at the top of the grade. Thus an officer in the grade of Rs. 200—20—300 is now in the grade of Rs. 200—20—300—EB—25—400.

There was no uniformity in the emoluments of the Clerks. There used to be many categories of whose emoluments varied between Rs. 30 and Rs. 150 p.m. But now under the revision order, the clerical staff in the Secretariats has been classified into three categories only :—

1. Junior Assistants ... Rs. 60—4—100
2. Senior Assistants ... Rs. 70—6—130
3. Head Assistants ... Rs. 100—7—135—8—175.

WATER AND POWER

Floods and lack of irrigational facilities are problems alike for the people of Jammu and Kashmir State. While parts of the Valley of Kashmir are frequently submerged under flood waters, in Kandi areas, water is very difficult to obtain.

Soon after the present Government was established, the services of Dr. Uppal, Flood Expert, Government of India, were obtained to advise measures to be adopted for Flood Protection. Dr. Uppal has since submitted a comprehensive scheme. Appropriate

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measures are being taken by the State Board of Engineers to incorporate the measures recommended by him in the various short and long term plans of work.

The Irrigation Department has meanwhile been reorganized and expanded so as to be able to cope with the increasing volume of work.

There are huge areas of dry land on either side of the river Jhelum down below the Sangam bridge, which if properly irrigated can be well brought under cultivation. It has been decided to make immediate arrangements for providing lift irrigation for about 8,000 acres of such land to begin with as an experimental measure. Waters of the Jhelum will be drawn by pumps driven by diesel engines. Orders have already been placed for the purchase of 30 diesel Engines and other relevant machinery so that the scheme is in operation by the end of March 1954, and the lands are cultivated for the next summer crop.

The project is estimated to involve an initial expenditure of Rs. 11.5 lakhs and a recurring expenditure of Rs. 2.60 lakhs every year. The, diesel engines will be driven by electricity by the year 1956, when the Sindh Valley Hydro-Electric Scheme is complete.

The 8,000 acres of land so irrigated are initially estimated to produce 2,72,000 Maunds of foodgrains annually.

In order to alleviate the suffering of the people of the Kandi areas in the Jammu Province on account of water scarcity once and for all the Government is preparing a long term plan. Meanwhile the Prime Minister has ordered construction of eight tube-wells before the end of the current financial year, *i.e.*, April next. Eighteen more tube-wells will be constructed during the next eighteen months.

Owing to the shortage of water in the Ranbir canal, it has not been possible to feed the electric generating plant at Jammu fully. Instead of 600 cusecs of water, the machinery hardly got 200 cusecs. This fall in the production of electricity combined with the increased consumption had considerably affected the voltage in the city.

Arrangements for the purchase of electric energy from Jogindernagar, to supplement the existing electric supply to the city and the various towns have been accelerated. A meeting of the Board of Engineers was called to discuss all the factors that led to the delay in the completion of the project and the Government have provided facilities and funds to enable the execution of the scheme as early as possible. Similar measures have been taken in respect of the Sindh Valley Hydro-Electric Project. But pending the completion of these long-range plans, and with a view to meet the immediate needs and difficulties of the people, three Diesel Electric Generating Plants (two 200,

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K. V. A. and one 250 K. V. A.) have been arranged to augment the existing electric supply in the city of Jammu. Speaking on the occasion of a reception accorded to him recently by the Jammu Municipal Corporation, the Prime Minister, Bakhshi Ghulam Mohammad, announced this measure. He said that he was fully alive to the difficulties of the people on this score and promised that the new plants would be fully operating towards the end of January or early in February next.

The Generating Plants have started coming in. One of these has already been installed and of the remaining two one is in transit and the other in the process of being installed. It is hoped that the three sets will start supplying 500 K.W. of electricity to the city of Jammu in February next.

LABOUR

A committee under the Chairmanship of Mr. Assadullah Mir, Deputy Development Minister, has been formed to go into the questions relating to the welfare of labour in the State and to suggest ways and means for its improvement. Other members of the committee include representatives of various Government commercial Departments and of the labour community. The committee, which has toured various parts of the State to collect first hand information on spot has held several meetings so far.

The committee is examining various labour legislation such as :

1. The Trade Unions Act,
2. The Industrial Disputes Act,
3. The Factories Act,
4. The Trade Employees Act,
5. The Workmen's Compensation Act,
6. The Workmen's Profit Sharing Act,
7. The Workmen's Amenities Act.

to ensure that the worker is no longer exploited by the entrepreneur. Laws are being liberalized to provide better working conditions. Rules and regulations are being so modified that the worker does not suffer unnecessarily in respect of timing and hours of work, and wages. Retrenchment and engagement of labour is also sought to be well regulated. To cover it all, efforts are being made to foster the spirit of cooperation among the employer and the employee so that both do their best to produce as much as possible and share the profits among themselves reasonably. It is contemplated to set up a statutory Advisory Committee representing both the industrial circles and

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the labour community, which will from time to time advise the Government in matters relating to labour welfare.

In October last, a labour convention was held in Srinagar, where problems confronting the labour community were freely discussed by its representatives with members of the Government. This enabled the Government to form a clear idea of the nature and magnitude of the problem. The major complaints and grievances brought to the notice of the Government have also been referred to the "Labour Committee" for consideration and advice.

RELIEF AND LOANS TO SMALL TRADERS

Government have decided to distribute loans with a view to relieving the distress of craftsmen, artisans and petty traders, both in the cities and towns of the Jammu and Kashmir Provinces and rehabilitating them in their business as early as possible.

A sum of Rs. 15,00,000 has been provided for this purpose and placed at the disposal of a Central Board of which the Accountant General, Mr. Ghulam Ahmed is the Chairman. Other members of the Board are : the Director Rural Development and Co-operatives, the Revenue Commissioner, the Director of Industries and Commerce, the General Manager, Arts Emporia, the Finance Secretary and the Planning Secretary, besides one representative of Trade and Commerce.

Auxiliary Local Boards have also been constituted in all Tehsils consisting of 5 members with the Tehsildars concerned as Chairmen. Their members include two representatives of local people selected by the Government and 2 representatives from craftsmen, artisans and traders. The Chairman of the Local Boards select Secretaries from among the members of their Boards.

The Local Boards get into touch with the prospective borrowers, receive applications from them in the prescribed form, assess their needs and credit worthiness, specify the security offered as mortgage towards the loan together with its value in the prescribed and find out average turn-over of business of the trader or earning in case of an artisan or craftsman, general reputation of the borrower and his standing and finally the extent to which the proposed loan will rehabilitate the man.

The consolidated requisitions received from the Local Boards are examined by the Central Board which make allotments and communicate sanction to the Chairman Local Board concerned and to the Accountant General for placing the amount at the Chairman's disposal.

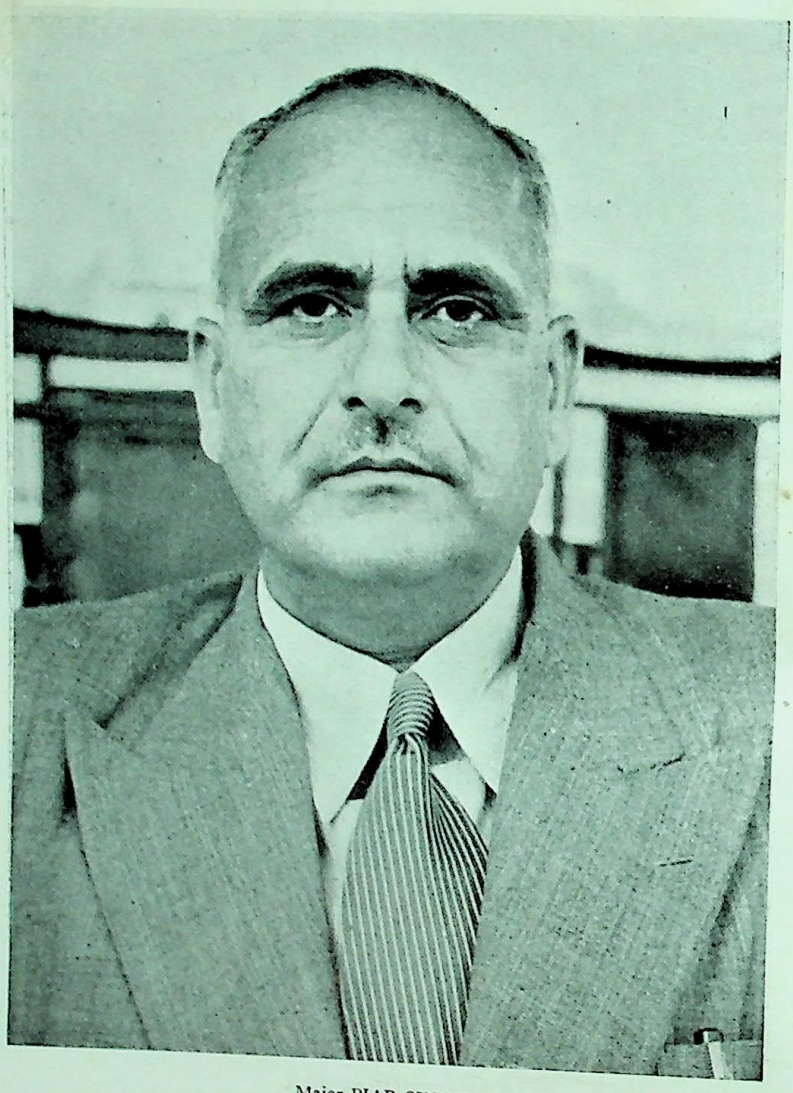
The loan is advanced only after mortgage deed is completed by the Borrower and the amount of security verified by the

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KAUSHAK BAKULA
Deputy Minister for Ladakh Affairs

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Major PIAR SINGH
Deputy Revenue Minister

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Local Tehsildar. The Bond and the mortgage deed are exempt from stamp duty. The accounts of the loans advanced to each individual and of his repayments and necessary records and ledgers connected therewith are maintained by the Local Board. The Tehsildar (Chairman Local Board) watches recoveries of these loans in accordance with the terms and conditions of the grant, besides making sure that the loan has been utilized for the purpose for which it is advanced.

The amounts advanced are recoverable after 6 months of the payment in instalments within such period as the Central Board fixes in each case in accordance with the amount of loan and the capacity for repayment. The loans carry interest at 4½% per annum and are payable annually. Recovery of arrears are dealt with under the rules pertaining to arrears of land revenue.

In order to relieve distress among the boat men of Srinagar, a sum of Rs. 1,20,000 out of the allotment of Rs. 1,50,000 has been earmarked for distribution by way of loans among members of the community. The loans will vary from Rs. 100/- to Rs. 1,000/- in each case according to the requirements of an individual family and it is proposed to help 325 families accordingly.

PROMOTION OF TRADE IN LADAKH

The past neglect and apathy towards the people of the backward district of Ladakh had made them awfully slothful and inactive. In order to bring about an industrial and commercial consciousness among them and to help them regain initiative in trade and business, Government have advanced an interest free loan of 5 lakh rupees to a Syndicate, which has been lately formed under the patronage of Shree Kaushak Bakula. The Syndicate will, in the first instance, concern itself with raw Wool and Pashmina business and may later on, extend its activities to the products of other industries such as Gudma manufacture, Carpet-Making, etc.

50% of the profits of the Syndicate will be spent on measures affecting the well-being of the people of Ladakh.

For some time past the famous Shawl Industry of the State had experienced great difficulties on account of the scarcity of raw material and high prices charged therefore by wholesale merchants in the line. This scarcity of raw material and inflation of prices was caused by exports to foreign countries which gained momentum with the aggravation of international situation after the second world war.

In December 1950 the export of raw Pashmina wool from the State was banned except under permits to be issued by the Industries Department. The situation with regard to supplies of raw Pashmina

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wool to our local industry, however, went on deteriorating steadily because of the withdrawal of stocks from the local market by wholesale purchasers. Consequently it was feared that there might be a regular famine of raw materials for the industry in the State.

As a result of the whole-hearted cooperation of the newly formed Ladakh Pashmina and Wool Syndicate Ltd., arrangements have now been made to ensure adequate supplies of the raw material for the local industries throughout the year. The most important features of the plan are :

(a) Supplies of all qualities of raw Pashmina wool will be made available in Srinagar by the Syndicate throughout the year.

(b) Distribution of the supplies among the actual consumers, without the intervention of third party, will be made through the members of the New Kashmir Pashmina Retail Dealers' Association.

(c) The retail dealers will charge cost price plus profit not exceeding 6¼%.

(d) The price chargeable by the Syndicate has been fixed with minimum profit to the Syndicate. This price will continue without any increase throughout the year.

(e) The retail dealers will deposit security for due discharge of the terms of the agreement entered into, under the aegis of the Industries Department, between the said Syndicate and the said Association.

These arrangements are calculated to eliminate hoarders and profiteers from the business and stabilize the trade.

UPLIFT OF GUJJARS AND BAKARWALS

Gujjars and Bakarwals are the two most backward sections of the people in the State, who had not received adequate attention in the past. They did not even enjoy proper medical and educational facilities. In their anxiety to change the outlook and improve the lot of this section of the people, the Government have ordered a comprehensive enquiry being conducted into their economic and social conditions. For this purpose a Special Officer with an appropriate staff has been appointed.

The Special staff is starting the investigation into the economic and social conditions of these people and taking measures for the removal of their day to day difficulties.

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OTHER RELIEF MEASURES

Among the various other relief measures adopted, mention may be made of the following :

1. A sum of Rs. 1,50,000 is being distributed by way of relief to the dependents or nearest relatives of the persons killed and to those disabled as a result of participation in political agitations during the last two years.

2. An amount of Rs. 1,00,000 has been sanctioned and placed at the disposal of the Town Area Committee Shopyan, for distribution in the form of loans among the fire sufferers of Shopyan in December 1952. The loans will be free of interest and repayable in 10 years in easy instalments. Timber to the extent of 75,000 c. ft., is also being made available to the sufferers at standard rates for the construction of houses according to plans, which are being provided by the Government.

3. A cash relief of Rs. 2,000 is being distributed among the fire sufferers of village Garah in Tehsil Jasmirgarh.

WELFARE OF EX-SERVICEMEN

> "A large number of persons belong to martial class in our State. They mean not only the State forces but also Indian Forces. In both the World Wars, the soldiers from our State displayed great martial talents, bravery and devotion to their country and earned an everlasting good name for the State. The State is deservingly proud of them.

At present there are 5417 ex-servicemen from the J & K State Forces. There are also 7,801 families of serving personnel of J & K State Forces residing in the State. The number of personnel killed in action from 1st of November, 1947 is 927. With the disbandment of some of the regiments of the State forces in 1949, these soldiers found themselves in a predicament. They had lost homes and lands due to raids, and the remaining lands of many of them went away with the operation of the land reforms.

The previous Government had no agency to look to the needs and problems of these people. A sum of Rs. 2,92,907, provided by the Government of India for the welfare of these people had been appropriated for other purposes and other funds and sources were left unutilized. The findings of the Wazir Committee in this behalf were not allowed to be known outside.

A Board known as the J & K State Soldiers', Sailors' and Airmen's Board has now been set up under the Presidentship of the Sadar-i-Riyasat, while Bakhshi Saheb, Shree Girdhari Lal Dogra, the G.O.C.-in-c-Western Command and G.O.C. 21, Communications Zone are its members.

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The Sadar-i-Riyasat is empowered to co-opt any other person to serve as ex-officio member of the Board.

The functions of the Board are :—

(a) to co-ordinate the work of the District S S & ISSA (Indian Soldiers', Sailors' and Airmen's) Boards in the J & K State ;

(b) to promote measures for welfare of ex-servicemen and the families of serving soldiers ;

(c) to disseminate information to the general public regarding the Armed Forces in the country and to take measures to rouse an intelligent interest in the Armed Forces among the people in general ;

(d) to administer the J & K State Forces Benevolent Fund and the Post-War Reconstruction Fund ; and

(e) to rehabilitate the displaced ex-servicemen.

This Board has seriously taken up the question of rehabilitation of the ex-servicemen. SS & ISSA Boards have been set up in all tehsils which looks to the requirements of the ex-servicemen. The Central Board co-ordinates the functioning of all such Boards.

A rally of ex-servicemen of Kashmir Province was arranged by the J & K, SS & ISSA Boards in the Gandhi Park, Srinagar, in October last. About 500 ex-servicemen of all ranks from different parts of the Province and also from Leh participated. The rally which was addressed by the Sadar-i-Riyasat, the Prime Minister, the President of the Constituent Assembly and the members of the Cabinet and the G.O.C. in-c-Western Command was the first of its kind in the State.

Rules have now been framed for the administration of the Jammu and Kashmir State Forces Benevolent Fund.

This Fund, which is primarily meant for the Welfare and alleviating the distress of Ex-servicemen, will now be open for affording relief to the needy destitute ex-servicemen and their families who have served in the Jammu and Kashmir State Force during Peace and War. The relief is granted in the shape of monthly pensions ranging from Rs. 5/- to Rs. 10/- or a lump sum sufficient to meet the immediate demands of the applicants. This relief is granted for the bonafide and legitimate purposes.

Relief is afforded to the following categories of ex-servicemen :—

d. Dependents of J & K State Forces personnel killed in II Great War or J & K Operations and dependents of the Ex-servicemen rendered destitute. They get assistance in shape of :

1. A Sewing machine to start a living.

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2. A lump sum amount for starting a village shop, a poultry farm, bee keeping or such like domestic occupations or for marriages of grown up daughters.

3. A monthly pension ranging from Rs. 5/- to Rs. 10/- up to a period of 2 years.

4. A lump sum amount to make up loss or part thereof sustained through natural calamity *e. g.*, flood, fire, famine or disease.

B. Disabled Ex-servicemen not fit to take any occupation as a result of wound or injury sustained during service or after pension/release—through some accident not attributable to misconduct, and thus unable to pull on with their Disability/ Service pension or in need of immediate relief. This category gets assistance in the form of :

1. Medical Treatment.

2. Extra diet or tonics to fight the infirmity prescribed by a Civil/Military Medical Doctors or Medical Practitioner.

3. Expenses for the marriage of their grown up daughters.

4. Aid to make good loss sustained by a natural calamity.

C. Ex-servicemen and Serving personnel of J & K State Forces of week financial standing who on account of meagre pension or pay cannot pull on with their big families or unbearable responsibilities or who have been subjected to natural calamities such as fire, flood or famines or who wish assistance to supplement their resources with a small loan from the Benevolent Fund to start small business or shop on co-operative basis also get help from the Fund.

With a view to providing educational facilities to the children and dependents of the Ex-servicemen and service personnel of the Armed Forces, who are residents of the Jammu and Kashmir State, it has been decided to establish hostels at Jammu, Kathua, Udhampur and Srinagar in the first instance. These hostels will provide free accommodation to students of Middle and High Classes. The hostel at Jammu will accommodate 100 students, while the hostels at other places will have accommodationfor 30 to 40 students each.

Admission will be open to deserving children and dependents of the service and ex-servicemen. 70% of the seats will be reserved for children of other ranks and non-combatants, 20% for JCOs and 10% for Officers. Preference will, however, be given to the children coming from areas where there are no facilities for education. In making selection due regard will be paid to the financial position of the parents and the merit of a student.

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Students, whose conduct is found to be unsatisfactory or who fail in the annual examinations for two successive years, will be removed from the Hostels. The Secretaries of the District Board will be ex-officio Superintendents of the Hostels, while the general control and administration will vest with the J & K, SS and ISSA Boards.

A certain percentage of the boarding expenses, which will be roughly Rs. 30/- p. m. per student, will be borne by the Board.

CONSTITUTION—MAKING

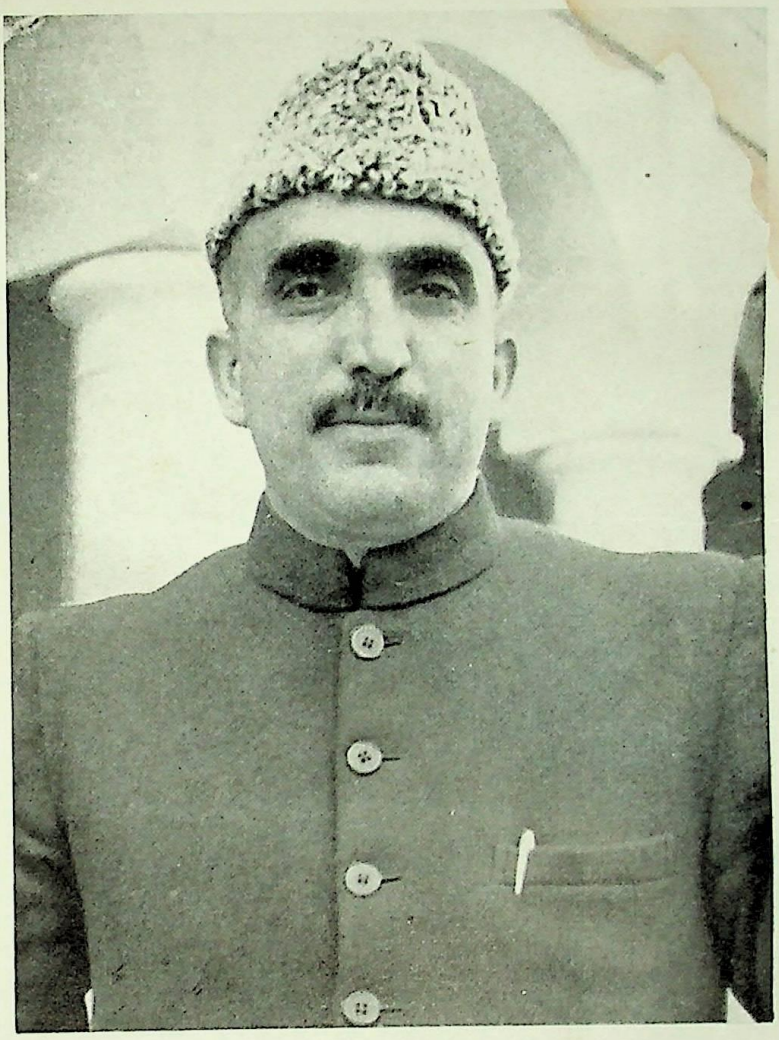
"KASHMIR HAS CAST ITS LOT WITH INDIA".
—Bakhshi Ghulam Mohammad

This relationship is the product of the community of ideals and outlook of the people of the State and those of India. They cherish common principles and traditions. Throughout their struggle for freedom, the people of Kashmir have consistently been inspired and supported by the freedom-loving and democratic people and movements in India. Kashmiris are fully alive to the fact that but for the support they received from India, they would not have been enjoying today as large a measure of autonomy in the State as they actually do. They are a politically awakened people and fully realize how the rulers of Pakistan opposed their freedom movement and conceded the right of accession to the Maharaja against the people of the State. Nor can they forget the miseries inflicted on them by raiding tribesmen from Pakistan.

The people of Kashmir are not unconscious of the machinations of the interested foreign powers for bringing Kashmir under their control. The tactics adopted by these powers in the Security Council in the handling of the Kashmir question, its attempts to dislodge the lawful Government of the State and to land imperialist troops on the soil of Kashmir have all failed in the face of the opposition of the Kashmiri people with the friendly support of the Government and the people of India.

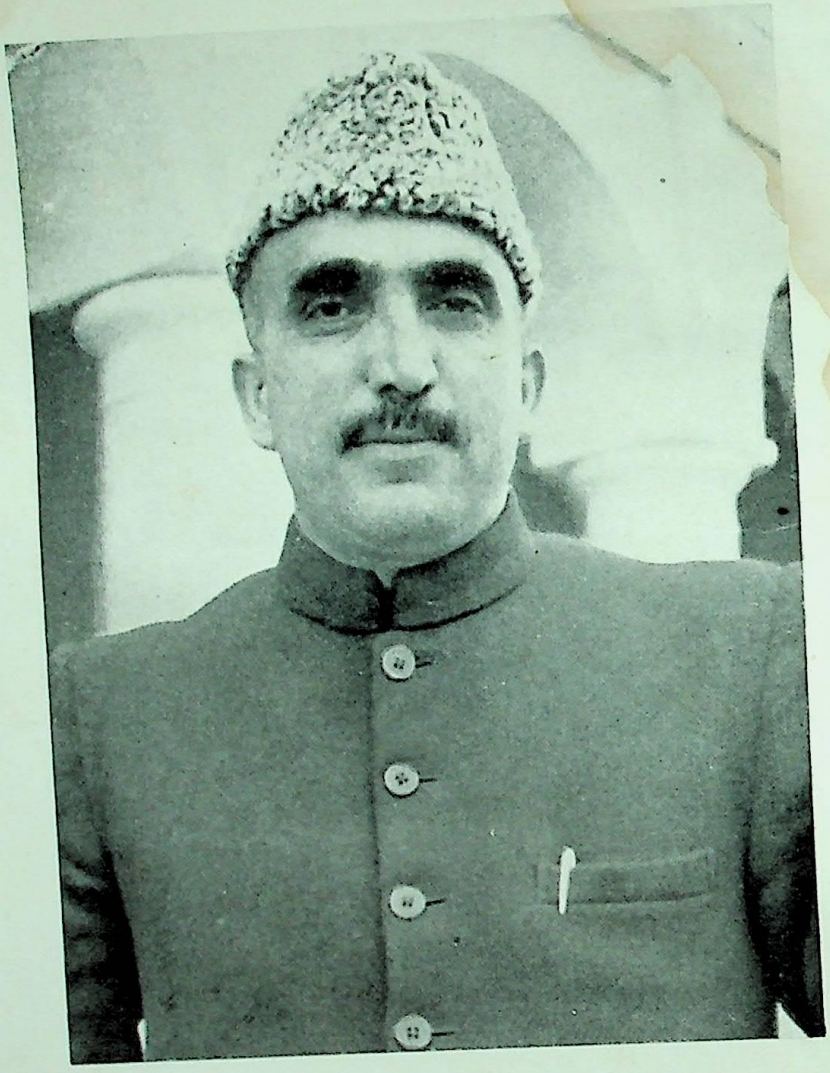
During the last six years and more, the people of Kashmir have suffered the most as a result of the pressures employed by their enemies across the cease-fire line and the interested foreign powers. The worst of it came in the summer of 1953, when a section of the leadership following Sheikh Abdullah succumbed to the machinations of imperialism and sought to create confusion and chaos. The policies and programmes in pursuit of which the struggle had been launched for the last two decades were flouted and challenged. All sorts of attempts were being made to cause disruption among the ranks of the peoples organization, the National Conference and the Government. The very basis of the existence of the State was sought to be changed. Validity of the accession to India was questioned

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BAKHSHI GHULAM MOHD.
Prime Minister

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BAKHSHI GHULAM MOHD.
Prime Minister

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in the Poonch-Rajouri District and the Baderwah area of the Jammu Province.

During their tours, the Prime Minister and his colleagues have issued orders on spot for the construction forthwith of roads, bridges, buildings, parks and *khuls* setting up of schools, and medical institutions, for the facility of the people. Such orders are being consolidated for purposes of co-ordination in their execution. The constructional works alone are estimated to cost over Rs. 25,00,000/- and some of them are already under way.

By far the largest good resulting from these tours and participation in the Conventions was the removal of confusion caused in the minds of the people by the erstwhile leaders who raised the slogan of "independence". The people got an opportunity to discuss with Bakhshi Saheb and his colleagues the political issues. The doubts that had been created in their minds are now completely removed. They are now quite clear in their minds about the "reality" and their duty.

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SPEECHES and STATEMENTS

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SS/94/60

14 APRIL 1994

FRANCO-INDIAN RELATIONS

PRESS CONFERENCE GIVEN BY M. ALAIN JUPPE, MINISTER OF FOREIGN AFFAIRS, AT THE FRENCH EMBASSY (NEW DELHI, 4 APRIL 1994)

THE MINISTER - I am glad to be paying this visit to India which has given me the opportunity to hold discussions with the Prime Minister Mr Rao, the Minister of Home Affairs, Mr Chavan and the Minister of Energy, Mr Salve. I have also been able to have a lunch time meeting with some officials from the Confederation of Indian Industry and in the afternoon I visited the Mahatma Gandhi Memorial where I laid a wreath.

As I have already had occasion to say, the aim of my visit to India - the first by a French Foreign Affairs Minister for seven years now - has been to give a new boost to relations between the two countries. M. Baliadur had sent a letter to Mr Rao with this in mind a few weeks ago. There is therefore a desire for closer relations on both sides - Mr Rao having warmly welcomed M. Balladur's letter.

Giving a new boost to our relations first of all involves the political dialogue between France and India. Over the years many affinities have become apparent between the two countries on questions of international relations. When the world was divided into two opposed blocs, India and France, each in her own way, strove to combat that division, that antagonism.

In the same way, France attaches great importance to North-South relations and questions of rural development.

Today, the world having changed, we can hope for a new multipolar order. France and India have even more reasons to move closer together on the big questions relating to the security and stability of the region, and, more generally, of the planet. As you know, France is a permanent member of the Security Council and, in this capacity, means to play a role on these questions of security and stability.

Naturally, our views do not converge on every problem. I am sometimes aware of differences of appreciation on some issues, such as, for example, non-proliferation. In this respect, one of the major objectives of French diplomacy concerns the renewal next year of the Non-Proliferation Treaty. It could be advantageous and productive to get a dialogue going on these questions.

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The second major theme we have tackled with all those we have talked to is, of course, the question of economic relations.

The economic reform which was set in motion here in 1991 has already produced impressive results. French economic circles have perhaps not sufficiently grasped the change that has been brought about and has already made India into one of the major partners in the world economy.

Certainly, our position in the Indian economy is not insignificant - we are India's eighth largest commercial supplier and our market share is a little more than 3%, which does not, of course, match the possibilities open to us or, if I have understood correctly, the expectations of the Indian side. We must therefore make a deliberate effort now, involving both the public authorities and business, to move into a higher gear.

I informed my Indian partners of France's intention to discuss a financial protocol in 1994 once we have been able to identify projects that are ready to be financed. We will then be ready to convene, before the end of 1994, at the ministerial level, the Franco-Indian Joint Economic Committee which will be able to take stock of our relations and the projects to get underway.

Thirdly, I announced that the international CNPF, the French employers' organisation, will send a large delegation to India before the end of 1994. I confirmed that India was, of course, included in what my colleague M. Gérard Longuet recently announced, which he called "the French initiative for Asia", aimed at mobilising all active participants on the French economic scene to expand our economic presence, particularly in India.

These are some of the points I have been able to discuss today. I would like to add a third heading - our cultural, scientific and technical relations.

There has always been on both sides a very marked interest in the respective cultures and civilisations of our two countries and I think that this aspect of our cooperation should be further developed. Several prestigious French artistic tours of India are to be organised in 1994 and 1995 and India will be a guest at next year's Avignon Festival. We have also noted with satisfaction that the teaching of French is on the increase, in particular in India's fourteen Alliances Françaises, making it the country's leading foreign language.

I also want to mention the flagship of scientific cooperation between us, the CEFIPRA (Franco-Indian Centre for the Promotion of Advanced Research) which, as you know, is working on joint basic research projects and industrial applications involving French and Indian laboratories.

That, Ladies and Gentlemen, is what I wanted to say to give the general tenor of my visit.

Q. - What are the reasons for the ebb there has been for some time in political and economic relations between France and India?

THE MINISTER - There has, perhaps, over recent months, been a period of lower density of contacts between us. That is the past, and perhaps it is not worth wasting too much

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time on it. I believe that, on the political level, this has perhaps been due to the crowded electoral timetables in 1993, which was certainly not favourable to ministerial travels in return for Mr Rao's visit to France in 1992.

On the economic level, there has, perhaps, been insufficient awareness among French firms of what has been happening here over the last two or three years in terms of opening up to international investment and economic deregulation. It is perhaps a little unfair of me to talk of insufficient awareness, since we have already done a lot. This morning I was invited for breakfast with a large number of heads of French businesses established in India. But this is not enough. We are only the eighth biggest investor here, while on a world level, France is in the very front rank. Now that there is an opening up on the Indian side and a demand from the Indian authorities, I believe that French firms must be urged to increase their presence in this country. This is the point of the Initiative for Asia which we are going to set up.

Q. - France is turning towards Asia. Laos, Vietnam and Cambodia have close links with France. But does India figure among French priorities in Asia?

THE MINISTER - One way to reply to you is to list the three countries I have chosen to visit during my current trip to Asia. I have just come from Japan, I am in India and from here I will be going on to join M. Balladur in China. That shows that, for France, India is right at the front, on the same level as Japan, one of the world's leading powers, or as the one billion and three hundred million Chinese - which is not an attempt to impress the 800 million plus Indians. India is therefore among our foremost objectives in Asia. True, we attach very special importance to our relations with Cambodia, Vietnam and Laos for the historical reasons that you know. But in economic terms, that is not on the same level, for obvious reasons, including psychological ones.

Q. - You mentioned the economic aspect of Franco-Indian relations, but are there other areas of interest?

THE MINISTER - I have not only been discussing economic questions. I discussed at length with the Prime Minister and also with Mr Chavan, a number of issues where foreign and domestic policy intersect. We discussed the Kashmir problem at length. I believe that these talks were very useful for an understanding of the problem. You know what the French position on this sensitive issue is. We think that the internationalisation of this issue must be avoided and a solution must be sought in a bilateral framework, between India and Pakistan.

France has always paid particular attention to anything involving human rights and we have noted with some satisfaction the creation of the National Human Rights Commission by the Indian Government. At the same time, we condemn any use of violence, terrorism or outside interference. So, that is our position. I think that is thoroughly understood here.

Q. - Why has France signed the NPT?

THE MINISTER - France did not sign the NPT at the beginning for a number of reasons that have since ceased to apply. However, from the very outset, she accepted the discipline of the Non-Proliferation Treaty. That is, we put it into practice from the start, and then, when the political context was right, we formally signed it. I repeat, we put it into practice a long time ago.

We think that the real problem today is not so much, perhaps, to prohibit nuclear tests by

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the powers who are taking part in the negotiations over what is called the CTB (Comprehensive Test Ban); we think the big priority is to avoid proliferation. This is why we have taken a very firm line on the question of North Korea. It is also why we want the Non-Proliferation treaty to be unconditionally renewed for an indefinite period starting in 1995.

Q. - Do you want the NPT to be renewed unconditionally?

THE MINISTER - Yes, without any new condition.

Q. - Does France, therefore, have a different position to India on the NPT?

THE MINISTER - Everyone knows very well that India does not have exactly the same approach as us.

But then, if you had friendly relations only with countries with whom there was 100% agreement on everything, international relations would be very complicated.

Q. - How do you feel about coming here after seven years and continuing to say the same things?

THE MINISTER - For me, this is the first time and my enthusiasm is therefore intact.

Q. - Do you think that M. Balladur will come to India in return for Mr. Rao's visit to France?

THE MINISTER - I am sure that M. Balladur is very keen to visit India in return for Mr. Rao's visit to France in 1992. But questions of dates have not been dealt with during this trip. Prime Ministers' timetables are always so tight...

Q. - What about the French offer of the Alpha Jet?

THE MINISTER - We did not deal with this question. We did, however, talk about some current areas of cooperation. I am thinking about everything to do with telecommunications. India has substantial plans for capital equipment projects and France has some of the best performing firms in the world.

I am also thinking about the energy field. We sell a lot of power stations abroad. Electrical and thermal power stations are being worked on and here also, France's expertise is well-known.

In the agri-food sector, there are very probably fields for cooperation. In tourism and the hotel trade, finally, a French group with an international reputation, ACCOR, is developing some important projects.

We also have - I am mentioning this for the record, since no one has raised it with me - two disagreements that have complicated our relations somewhat. As you will have noted, I have not made these the central theme of our talks, nor, furthermore, a precondition for the development of our economic relations. I believe that it would be useful for these disagreements to be resolved as soon as possible since it is true that they detract a little from the spirit of our relations. I can tell you that I have found at a high level among the Indian authorities a desire to find a compromise, so I think this is possible.

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Q. - What are the two disagreements?

THE MINISTER - I thought that everybody was in the picture. We have a problem with a power station at Jammu-Kashmir (at Dulhasti) where, for local reasons, a project has not been brought to fruition and we also have a commercial dispute over the HBJ gas pipeline. That has been finished and is working to general satisfaction, but there is a commercial disagreement. This can happen in business.

Q. - Does that mean that the disagreements can be swept under the carpet? Is their resolution no longer a precondition for the expansion of economic relations?

THE MINISTER - Come on. It is not because I said that we will not make these disagreements a precondition for the protocol, that you have to twist what I said and that the disagreements can be forgotten.

I thought that you would perhaps question me on a subject that was raised during my conversations with the Indian authorities. That is the GATT and a controversy that came up in the course of the preparation of the Marrakech Conference which is to be held about ten days from now. You will know that a number of countries, including the United States, and in a different way France, have expressed a wish that a new World Trade Organisation, which is to be formed in the framework of the Uruguay Round, might consider the impact on world trade of certain environmental regulations and, too, of the economic implications of certain social regulations. To put it simply: ecological and social dumping.

I have fully understood that the debate was clear-cut, particularly in India, where this is perceived as a risk of social protectionism. I have tried to explain that this is not at all what France has in mind. What we want is to prevent world trade from becoming a jungle where each country can do just what it likes. We should like certain countries in particular to end up abandoning their unilateral legislation which allows them, when the fancy takes them, to decide to take commercial reprisals.

It is in this spirit that we wish the World Trade Organisation to be able to consider the prospect of account being taken of the minimum rules set down by the International Labour Organisation in such fields as child labour, night-work, unpaid work by prisoners and so on. Now, India is a full member of organisations such as the International Labour Organisation. It is therefore clear that there will be no creeping disguised protectionism.

Q. - Do you think that the agreement needs to be re-negotiated before it is signed in Marrakech.

THE MINISTER - It is not at all a matter of re-negotiation. The agreement was initialed on 15 December last year and remains entirely valid. If it were to be changed, this would only be to improve the openness of markets, access to markets, and not at all to erect barriers. It's just that a World Trade Organisation is going to be created. We do not think it a waste of time for this organisation to look into the questions we have just mentioned.

Q. - Before 15 April, the date of the signing of the final agreement, are you going to insist on these questions or are you just going to sign the agreement of 15 December?

THE MINISTER - No, but I think that there is a misunderstanding. The 15 December agreement is in no way being reconsidered as far as the GATT is concerned.

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Something different is happening in Marrakech: a World Trade Organisation is going to be created. The idea is that there should be a statement on that occasion to the effect that when that organisation is functioning, it will discuss certain problems, including those I have just mentioned. Thus, this is not a new clause, it is a work programme. There you are, I hope I have made myself clear.

Q. - What about the trade disagreements?

THE MINISTER - We want the problems to be resolved.

Q. - To get things clear: on the disagreements, will a protocol be signed once they are resolved?

THE MINISTER - No, I said we were not make them into a precondition. We would like to see these problems resolved. The response of the Indian authorities has been positive. They too want these problems resolved.

I want to make myself clear: we are not making this a precondition.

Q. - Are you in agreement with a protocol without any condition relating to the disagreements?

THE MINISTER - But there is no condition. What is the situation? Let me explain. We have some disagreements. We want to resolve them. This is clear. We think it will help ensure a good climate in economic relations between France and India. The Indian authorities I have met, the Prime Minister, all the ministers I have met, have told me: we too want to resolve these disagreements. So discussions to find solutions will continue. And independently from that, we are saying that France is ready to negotiate a financial protocol such as we have had in the past. I hope that this is clear, that everybody understands it properly. There are two different problems, and if I am emphasising the desire to resolve the disagreements, it is because we do not want there to be another interpretation to the effect that we are giving up.

Q. - I had the impression that until now this was a condition.

THE MINISTER - Perhaps, but not now.

Q. - You have discussed the Kashmir problem with the Minister of Home Affairs. Are you planning to go to Pakistan in the coming months to explain the French position?

THE MINISTER - A month ago, I received Pakistan's Minister of Foreign Affairs in Paris. What I am trying to do in my diplomatic capacity is speak to both sides. I believe that France's role, above all in a region like this one, is to play a peace-making role, to explain the positions of the various sides. This is how we can be useful. We cannot substitute ourselves to this or that party. We are not setting ourselves up as mediators but we are there to listen and try to bring about understanding.

Q. - One gets the impression that your position is pro-Pakistan?

THE MINISTER - Not at all! I have told Pakistan that in France's view the matter must be resolved bilaterally between India and Pakistan as was decided at Simla and as, furthermore,

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started to be done again in January. I do not have the impression that the Pakistanis have been thinking that France had a different position.

Q. - But do the Pakistanis want the problem to be internationalised?

THE MINISTER - No, the view that was put to me was that these problems must be resolved in a bilateral framework.

Q. - Have the Pakistanis in Geneva been seeking the internationalisation of the debate?

THE MINISTER - That is not what they told me and you know that that initiative was not successful.

Q. - Was nuclear war very near in 1990?

THE MINISTER - I do not have a very precise idea on what took place in 1990. I cannot think that responsible countries could come to such extremes.

Q. - You have just spoken of the need to strengthen cultural links between India and France. However, it seems as if France is tending to lose interest in, for example, the State of Pondicherry. To everyone's surprise, the French schools in Pondicherry are in the course of closing owing to lack of financial support. What do you think of this?

THE MINISTER - No, I do not think you can say that. On the contrary, there is a determination to expand cultural relations. We have 1000 pupils in the French lycée in Pondicherry.

Q. - Is no effort needed in favour of the French language?

THE MINISTER - We have fourteen Alliances Françaises. French is the leading foreign language taught in India. The development of cultural and artistic cooperation and contacts remains one of our guidelines. It is true that the means of a country of 60 million inhabitants such as France may seem out of proportion to the task we face in a country as vast as India. But we are not giving up and are making a very significant effort.

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POLITICIANS CAN DO THINGS WITH STATISTICS

by Vivian Brownstein

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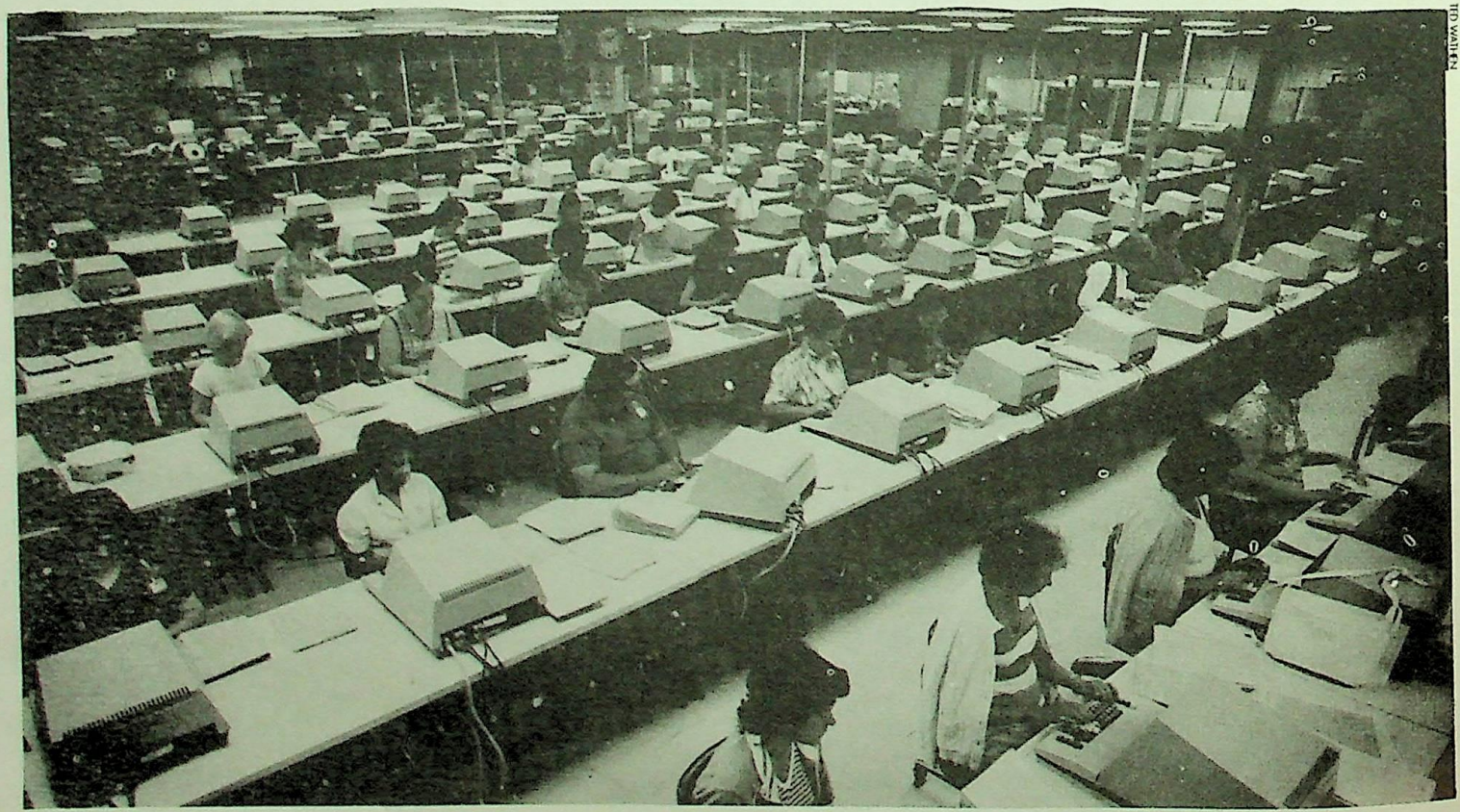
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POLITICIANS CAN DO THINGS WITH STATISTICS

The U.S. government publishes more social and economic data than any other country. In presidential election years, both Democrats and Republicans can find numbers to use as brickbats and bullets. ■ *by Vivian Brownstein*

IF A PRESIDENT is going to have a nasty recession during his first term, he's best off getting it over with early and riding toward the next election on a recovery wave. Fortunately for the Republicans, that's what Reagan has done. Moreover, recovery has been accompanied by remarkably tame price behavior. Under these circumstances, it might seem suicidal for the Democrats to push economic issues between now and November, but they clearly intend to anyway. The Reagan deficit came under heavy attack at the Democratic Convention in San Francisco. It was evident from convention oratory that the Democrats will also try to win votes by condemning Reagan economic policies as unfair—good for the well-off, bad for everybody else.

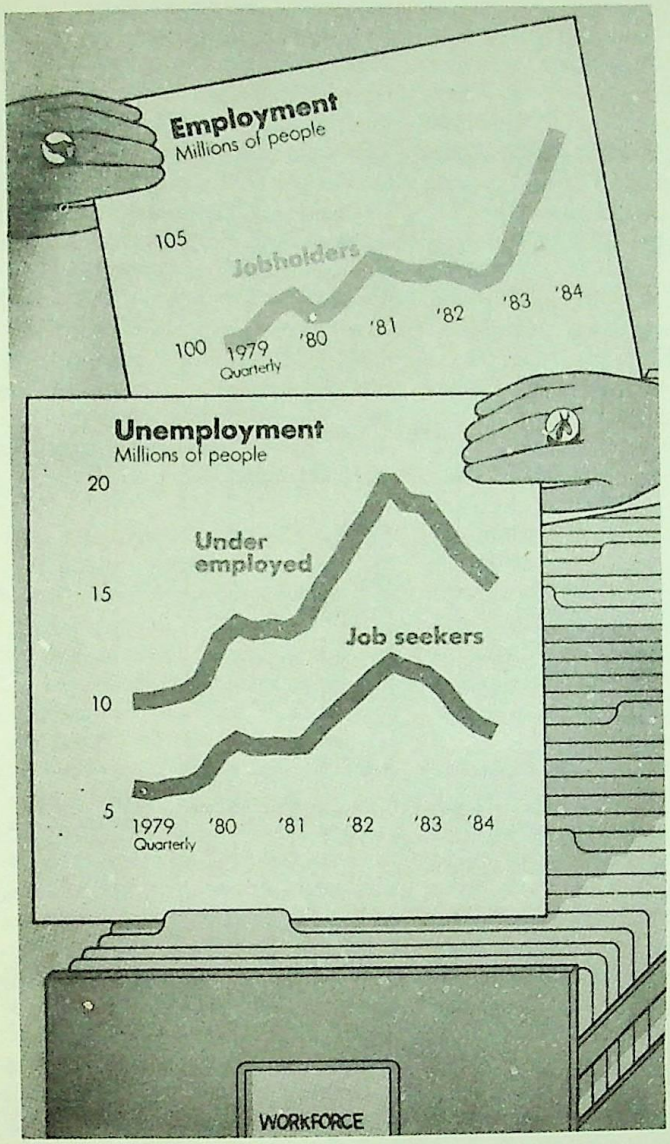
The Democrats have ammunition. In the always mixed picture of the U.S. economy, both sides can find official



TED WARREN

At this Census Bureau outpost *in Jeffersonville, Indiana, 150 employees key data for such oft-cited reports as the consumer price index.*

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Sunshine and Shadow

Republicans point to total employment, which topped its old high last summer and now stands at a record 107 million. Retort Democrats: if you add discouraged would-be workers and part-timers who want more work to the 8.1 million officially unemployed, the total number of underemployed has climbed to 15 million.

statistics to support their contentions, sometimes in the same document. Last month, when Commissioner of Labor Statistics Janet Norwood announced employment figures for June, President Reagan happily pointed out that 107 million people were at work in the country, seven million more than at the end of 1982. But the 19-page monthly BLS report contained ammunition for Democrats too. A labor spokesman retorted that 8.1 million Americans were unemployed in June, only 100,000 fewer than when Reagan came into office.

Democrats will almost certainly assert that the Reagan Administration has made life tougher for the unemployed. Less than a third of them are receiving unemployment compensation as against more than two-thirds of the unemployed in the 1973-75 recession.

RESEARCH ASSOCIATE *Joan W. Campo*

Economist Gary Burtless of the Brookings Institution explored the drop-off in unemployment compensation to learn why it happened. He expected to find that many workers hadn't been on the job long enough to qualify for benefits, because the recession came so soon after the 1980 downturn. To his surprise, BLS surveys showed that workers laid off in 1982-83 had about the same amount of work experience as job losers in 1976—"maybe even a little more." Another hypothesis was that this time the unemployed included a larger proportion of teenagers and of women who had recently entered or reentered the labor force. That also failed to prove out.

By far the most important factor, according to Burtless's research, is the combined effect of changes in federal and state laws, regulations, and practices over the past several years. For example, computers help states scrutinize workers' eligibility more closely. Also, many states now reduce a claimant's benefits by subtracting any income he or she gets from a pension or Social Security. By cutting back on payments, these changes also reduced extended benefits, which are triggered only when regular programs signal a high level of unemployment.

The pullback in unemployment insurance is not obviously unfair on the face of it. The Administration, indeed, claims credit for making the system work better by reducing fraud and abuse and prodding people to take jobs sooner. But whether the pullback is unfair or not, Democratic speechmakers should easily be able to make it *sound* unfair.

Democrats will also claim, no doubt, that official unemployment figures greatly understate the true extent of unemployment and its hardships. The figures come from a survey taken in the middle of each month. Members of a household in the sample are asked whether they are working that week, and if not, whether they looked for work during the last four weeks. If the answer to either question is yes, the person is counted as part of the labor force. The official unemployment rate is simply the number who say they are looking for work divided by the total labor force. Critics complain that people are counted as employed even if their jobs give them only a few hours of work a week. Moreover, would-be workers who say they want a job but are too discouraged to have looked for one during the preceding four weeks are left out altogether.

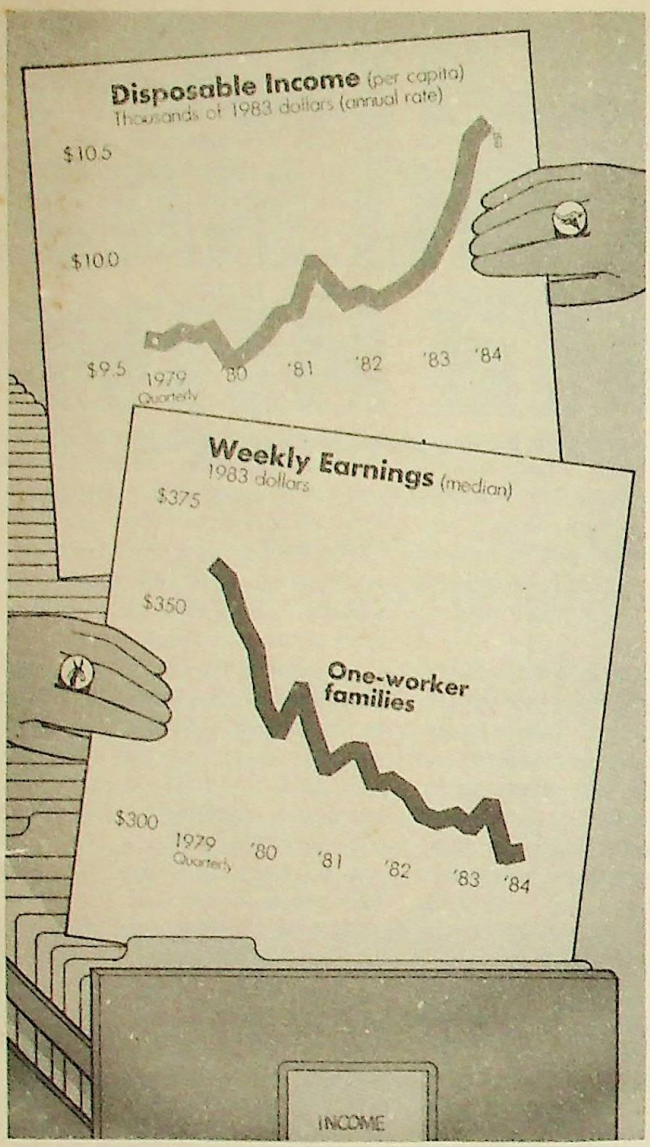
Some people in the opposing camp, in contrast, are unhappy with counting as unemployed everyone who claims to be looking for a job. The canvassers have no way of telling how hard anyone has tried, and no evidence of serious effort is asked for. Recognizing that legitimate questions are being raised, the BLS now publishes no fewer than eight variations of the unemployment rate, using different definitions of the labor force.

As a presidential election draws near, the unemployment rate becomes an exceedingly sensitive statistic. To keep the matter of timing out of politics, the BLS hews to a rigid schedule, announced many months in advance. This year the numbers for October will be released November 2, four days before the election.

With all sensitive data, the bureau takes pains to prevent leaks. Janet Norwood gives advance information to only one official, and he's not her boss, Secretary of Labor Raymond Donovan. On the afternoon before numbers are released to the public, she phones the chairman of the Council of Economic Advisers so he can tell the President what's coming.

OBJECTIVITY wasn't the original intention when the BLS was created 100 years ago. The growing labor movement wanted a department that, as a labor spokesman put it, would "support government policies beneficial to working people." A political accident set the BLS on a nonpolitical course instead. President Chester Arthur, urged to appoint a prominent labor leader as the first commissioner, learned at the last minute that the man had supported a rival for the Republican nomination. Arthur instead chose the leading statistician of the day. Janet Norwood, the second career civil servant to head the bureau (and the first

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Fare Well and Fare Ill

Disposable income per capita, which barely dipped during the recession, has grown 9% during President Reagan's time in office—that's after adjustment for inflation. Democrats are more likely to point out that median earnings for families with only one employed person—one-third of all families—fell 9% during the same period.

woman), continues a long line of well-regarded professionals.

One early fact-finding mission of the BLS was to develop a measure of consumer prices. The result was the consumer price index. Since households differ a great deal in spending patterns, no one price index can accurately apply to all or even most of them, and the CPI has come in for a lot of criticism over the years. During the Carter Administration, Democrats justifiably complained that the behavior of the CPI overstated the rate of inflation. The overstatement stemmed mostly from the inclusion of mortgage rates, which rose rapidly in the late 1970s. Actually, of course, only a small portion of the population bought a house in any given year.

In January 1983, the BLS, which had been observing the distortion for some time, introduced a revised price index that leaves out mortgage rates and bases housing costs on rents. Union leaders, voicing fear that "the little people" whose contracts were adjusted according to the CPI would be hurt, won the right to keep using the old CPI until January 1985. Union members would be justified in feeling a mite upset about what's happened since. With the decline in mortgage rates last year, the old-fashioned CPI has risen a percentage point *less* than the new version. Retired workers got caught too: Social Security cost-of-living adjustments are also based on the old CPI.

However you measure it, there's no doubt that the rate of inflation has been lower in the past year or so than at any time since the late 1960s. From double digits during the Carter years, the pace has slowed to 4%. Taking the inflation issue away from Reagan may prove as difficult as getting a peanut back from an elephant.

Add the inflation rate and the unemployment rate together, and you get the "discomfort index," created by economist Arthur Okun in the 1970s as an indication of how the economy was doing. During the Ford Administration the index bumped along in the teens—high-discomfort territory. Jimmy Carter renamed it the "misery index" and made it an issue in his campaign against Ford. Under Carter, however, the index climbed to even more miserable heights, reaching a gaudy peak of 22 in the first quarter of 1980. Under Reagan, the index has gradually receded. It is now below 12. The Democrats would be well advised not to mention the discomfort/misery index during the next few months.

With inflation and unemployment going pretty much Reagan's way, Democrats will turn to statistics on income distribution to support charges that the Administration's policies are unfair. The figures on per capita after-tax income won't help the Democrats: it is now 9% higher after adjustment for inflation than when Reagan came in. No wonder that statistic is a current favorite of Republican spokesmen.

Some kinds of income, however, have done much better than others. After adjustment for inflation, dividends and interest together are up a tidy 20%. Government payments for Social Security and health care are also 20% higher. But real wages and salaries per capita grew only 4% during the last four years. Republicans don't brag about that. Worse, real wages and salaries per *employed* person have risen only 2%. (Wages and salaries per capita went up more than that because employment increased faster than the population.) Worse yet, a BLS survey shows that after adjustment for inflation, median earnings for families with only one earner—one-third of all families—shrank by 9% over the four years. Some Democratic ammunition there, no doubt.

DEMOCRATS MAY find, however, that one cannon they were counting on is hardly more than a cap pistol. Again and again, Democrats have charged that the Reagan tax cuts favored the rich and did little for the working class. In the absence of firm data, the charges stuck. But last month the Bureau of the Census, which collects much of the data reported by the BLS, put out a report of its own on the distribution of income in the U.S. in 1982, after major portions of the Reagan tax cuts had gone into effect. Comparison of the 1982 data with corresponding data from 1980 indicated what changes the tax cuts had wrought in the distribution of after-tax income among various income classes. The conclusions that emerged were not exactly political dynamite.

The well-off did fare relatively better than less affluent income classes, but the shifts were minor. The top one-fifth of all households, for example, received 40.6% of total after-tax income in 1980 and 41.8% in 1982. It would be hard to stir political passions with figures like those. Remarked Ronald Reagan: "This idea that we hear on Capitol Hill all the time, that our tax programs benefited the rich—the figures belie that."

In brief, the sheaves of economic statistics that come out of bureaus in Washington are like a presidential nominee's acceptance speech: they contain something for everybody. Politicians don't have to lie—they just have to use some discrimination in selecting statistics. F

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Campaign Report 1984

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Campaign Report 1984

To Win the Presidency, Democrats Must Hold Their Power Base in Northeast

President Reagan can afford to lose the region in November, but the Democratic presidential nominee will be hard-pressed to win election without doing well there.

BY RICHARD E. COHEN

BUCKS COUNTY, PA.—Because they nearly single-handedly triggered its rapid growth in the 1950s, the names of Benjamin F. Fairless and William Levitt have been indelibly stamped on this once-sleepy rural county.

Fairless, at the time the chairman of U.S. Steel Corp., and Levitt, the head of a home building firm, used their political and economic muscle to locate a massive steel mill (U.S. Steel's Fairless Works) and a huge residential tract (Levittown), where GIs could buy a home for $100 down, in this county just a few miles northeast of Philadelphia.

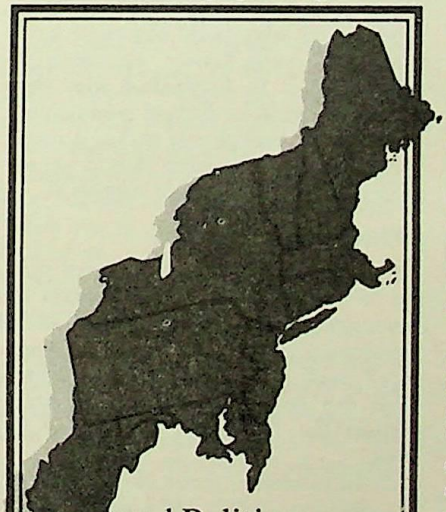
But times have changed, and today leading citizen activists contend that the area has grown enough and that they have the power to challenge the government and the business establishment. Whether or not they succeed, they typify one of the major forces for political change in the Northeast, with significance that extends to the national stage as well.

For the past three years, the dominant political issue here has not been war and peace or the state of the national economy but instead the question of whether to construct a pump to divert water from the Delaware River across this county of nearly 500,000 people to permit new sewer connections and fuel a power plant serving the Philadelphia area.

Bucks County Republican leaders and the Philadelphia Electric Co. saw it as a way to assure local growth and prosperity for the remainder of the century. But Mike Krauss, a 34-year-old county native who helped organize a group called "Del-AWARE" to fight the pump, argued that local officials were ignoring strong public opposition and were "in the pocket of developers who want to pave the rest of the county."

Last year, Del-AWARE organized a successful nonbinding referendum campaign against the pump and filed court cases that halted construction pending resolution of the project's legal issues. He also led a campaign that defeated two pump-supporting Republicans on the county board and gave control to the Democrats.

"Bucks County is a national laboratory that shows the changing of the guard, and we're already in the power group," Krauss said in a recent interview. "The baby-boom generation is just starting to participate, but it is transforming American politics. We are showing that the communications technology revolution can unseat a political party if you have local organization and a message."



Regional Politics

This is the first of four articles on regional politics and their impact on the presidential election.

Krauss has broadened these same themes as a point man for reform in the local Republican Party by challenging "the old-style bosses who run a closed shop." On April 10, an insurgent slate of delegates including Krauss won two of Bucks County's four spots at the Republican national convention. A slate of local party leaders won the other two slots.

This continuing struggle for political control in Bucks County, emphasizing personality and message rather than party loyalties, may be symptomatic of political change happening elsewhere in the Northeast.

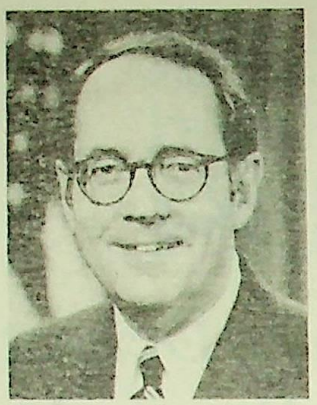
Although the county's 1981 per capita income of $11,137 was above the national per capita figure of $10,495, and although its population is only 2.4 per cent black, in many ways it is a national political microcosm.

Its lower end, which adjoins Philadelphia and includes Levittown and the Fairless plant, has been losing some of its industrial prowess in recent years. Whether for that or for other reasons, the county's traditionally Democratic blue-collar workers, like many of their counterparts across the country, voted in large numbers for Ronald Reagan in 1980. Its largely Republican suburban center includes many upwardly mobile commuters, the kind of people who have been

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supporting Gary Hart. Its villages in the rural upper county are sparsely populated.

Rep. Peter H. Kostmayer, a self-styled reformer who represents the county and a small wedge of neighboring Montgomery County, was elected in 1976 as the first Democrat in this century to represent the district in the House. He lost his seat in the 1980 Reagan landslide but regained it in 1982, largely because of the recession, and acknowledges that he faces a tough contest this year. The referendum defeat of the pump, said Kostmayer, a vocal opponent of the project, "reflects the county's lack of strong identification with either party and shows that issues and personalities are more important." *(See box, p. 720.)*



Pennsylvania Republican Gov. Richard L. Thornburgh says he will stress the Reagan Administration's economic policies in the fall election.



Pennsylvania Democratic Rep. Bob Edgar says Reagan has "done nothing for Pennsylvania because he has a southern and western strategy."

Other parts of the Northeast may lack the local equivalent of the pump fight. But northeastern politicians agree that the keys to election success nearly everywhere in the region are personality and a message, two ingredients that Democrats concede are Reagan's strengths, even in a region where his policies and his ideology are not fully in tune with the voters'.

"Organization is superfluous in a national election," said Rep. Thomas J. Downey, D-N.Y., who has won five terms in a largely Republican district on Long Island. "It comes down to personality and the use of television. There is a genuine good feeling in my area for Reagan."

Democratic Rep. Bob Wise, whose West Virginia mining district has one of the nation's highest unemployment rates, said his constituents don't like Reagan's economic policies or the fact that he cut funds for coal research. But, he added, "the President is personally popular, and he could win the state if Democrats cut each other to ribbons and don't give hard answers about what they would do to increase jobs."

The waning of party influence is apparent in the heavily populated suburbs in the Northeast, where the most successful candidates are those with strong communications skills.

"National news and trends that people see on television are a more important source of information and influence than is any local political leader," said freshman Rep. Robert G. Torricelli, D-N.J., who was an aide to former Vice President Walter F. Mondale. "The leadership is coming from below. The people are leading the politicians, especially in a presidential race where more information is available."

Here as in most of the Northeast, the two key swing political constituencies are the blue-collar ethnics and the up-scale young professionals. In some cases, such as the past two Democratic primary races for Massachusetts governor between Edward J. King and Michael S. Dukakis, the two groups have fought for power and split the results. In other elections, the two parties have competed for the allegiance of one group or the other.

"Our state is a competition for the blue-collar votes," said Rep. James J. Florio, D-N.J., who narrowly lost his gubernatorial bid in 1981.

The sometimes competing views of these two key groups can force candidates to choose between them. Reagan narrowly won Massachusetts in 1980, for example, because he sought and received strong support from blue-collar voters while independent candidate John B. Anderson picked off many of the wealthier suburbanites who would otherwise have voted for Jimmy Carter, according to polls. If Elliot L. Richardson wins that state's Republican Senate nomination this year, his background makes it more likely that he will reach out to young professionals as his base of support.

DEMOCRATIC BASE

Strategists in both parties agree that the Northeast is far more important to Democrats than to Republicans in a presidential election. "This is their base area," said a leading GOP strategist. "You can be elected as a Republican without the Northeast, as we saw in 1968."

In the three most recent close presidential elections—1960, 1968 and 1976—the Democrats won New York, Pennsylvania, Massachusetts and Maryland, four of the five largest states in the region. Only two other large states went Democratic in each of those elections.

Those four northeastern states, together with New Jersey, which the Democrats last won in a closely contested national election in 1960, have 100 of the region's 135 electoral votes.

Of the smaller northeastern states, the Democratic nominee won Rhode Island and West Virginia in all three of those close elections, and the GOP won New Hampshire and Vermont. (The District of Columbia, a Democratic stronghold, has voted in presidential elections only since 1964.) In 1980, Reagan lost Maryland, Rhode Island, West Virginia and the District of Columbia to Jimmy Carter; he was defeated in only three other states nationwide.

Members of both parties agree that much of the Northeast will not be prime Republican territory this year because many of Reagan's policies have been tilted toward other regions. "The Administration does not have a Northeast perspective," said Rep. Sherwood L. Boehlert, R-N.Y. "The budget reflects that reality. . . . The people on the inside at the White House can't appreciate the problems of a Utica [the largest city in his district], which needs to spend $20 million to replace a sewer system from the 1800s but already has high local taxes."

Rep. Bob Edgar, D-Pa., a former chairman of the Northeast-Midwest Congressional Coalition, said Reagan has "done nothing for Pennsylvania because he has a southern and western strategy." He added that high budget deficits and the resulting tight money have been especially harmful to the Northeast because both its aging industries, which are "cash-poor," and its growing number of new industrial and service firms with fewer than 20 employees need to borrow more money.

Pennsylvania's Republican Gov. Richard L. Thornburgh, who has urged Congress to reject some Reagan budget cuts that affect his state, spoke more positively about Reagan's over-all efforts to get a handle on spending. "The decline in interest rates and inflation for the average Pennsylvanian have been produced by the Administration's economic policies," he said in an interview.

Thornburgh acknowledged, however, that his reelection in 1982 was closer than expected, in part "because I was loyal to the President."

The sagging industrial areas of western Pennsylvania, where unemployment ranged from 12-16 per cent in the most

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The Northeast: A Guide to Its Politics and Its Economy

Here are key political and economic data for the 12 states in the Northeast plus the District of Columbia. Included are the number of electoral votes in 1984, the number of victories for each party in the six presidential elections since 1960; the percentage of the vote for the Democratic and Republican candidates in 1980; the party affiliation of the governor, Senators and House Members; 1984 voting-age population (VAP), in thousands; 1980 percentages of voting-age population that are black and of Spanish origin; state unemployment rate in January 1984 (not seasonally adjusted) as measured by the Bureau of Labor Statistics; and 1982 per capita income, as measured by the Census Bureau.

	Pres. results, 1960-80 D-R	1980 D-R		Govs. Party	Sens. D-R	House D-R	VAP	% VAP black	% VAP Hispanic	Unempl. rate	Per capita income
Conn. (8)	3-3	38.5%	48.2%	D	1-1	4-2	2,404	6.0%	3.1%	5.3%	$13,749
Del. (3)	3-3	44.8	47.2	R	1-1	1-0	457	14.2	1.3	8.3	11,735
D.C. (3)	5-0*	74.8	13.4	—	—	1-0	482	65.8	2.8	12.2	14,557
Maine (4)	2-4	42.3	45.6	D	1-1	0-2	848	0.3	0.4	9.4	9,045
Md. (10)	5-1	47.1	44.2	D	1-1	7-1	3,259	20.8	1.4	6.8	12,237
Mass. (13)	5-1	41.7	41.9	D	2-0	10-1	4,422	3.4	1.9	7.3	12,088
N.H. (4)	1-5	28.4	57.7	R	0-2	1-1	722	0.4	0.5	5.3	10,727
N.J. (16)	2-4	38.6	52.0	R	2-0	9-4**	5,659	11.0	5.7	7.6	13,089
N.Y. (36)	4-2	44.0	46.7	D	1-1	20-14	13,326	12.4	8.3	8.1	12,314
Pa. (25)	4-2	42.5	49.6	R	0-2	13-10	8,989	8.1	1.0	10.1	10,955
R.I. (4)	5-1	47.7	37.2	D	1-1	1-1	733	2.5	1.8	8.0	10,728
Vt. (3)	1-5	38.4	44.4	R	1-1	0-1	391	0.2	0.6	7.2	9,509
W. Va. (6)	5-1	49.8	45.3	D	2-0	4-0	1,433	3.6	0.6	17.0	8,766
U.S. (535)	3-3	41.0	50.7	35D-15R	45-55	268-166	173,936	10.5	5.5	8.8	11,106

*voted in presidential elections since 1964
**one vacancy

recent federal survey, have been hit hard by the recession. But the state Democratic Party's weaknesses, including bitter factional disputes between its Philadelphia and Pittsburgh wings, have plagued its efforts to benefit from the state's economic ills.

"If one were to visit Beaver or Butler County [in the Pittsburgh area] and see the looks of frustration in the unemployed workers, it would be clear we've seen a false recovery," said Judith Heh, secretary-treasurer of the Pennsylvania AFL-CIO. "But Democrats have not been as organized as they should have been."

Rep. Edgar, who has been touring the state to prepare for a possible 1986 challenge to Republican Sen. Arlen Specter, said: "Because the Democratic Party has ignored the suburbs and other constituencies across the state, it's become a skeleton. . . . It's hard for a party to survive for long without elected officials or idea leaders. We need to build the party around personalities supporting ideas and can't continue to grasp for candidates."

Former Democratic Rep. Allen E. Ertel, who lost the tight 1982 race to Thornburgh, agreed that the state party "does not have its act together. . . . There are too many egos." He and others expressed hope that W. Wilson Goode, who has remained highly popular since his election last November as Philadelphia's first black mayor, will promote the rebuilding. Goode actively supported Mondale in both black and white areas during the state's April 10 primary, but Jackson outpolled Mondale in Philadelphia, with its heavily black population.

In common with the eroding political machines across the state, the Bucks County parties have little influence today.

"Even though we control the county board, the local party is not in good shape," said Milton Berkes, who was the local Democratic Party co-chairman from 1968-81. "Generally people vote negative, not positive, unless the candidates offer hope for change."

That echoed Krauss's comment that local Republicans have suffered because "party loyalty clearly does not mean what it used to. . . . What cuts it today are issues."

POLITICS OF PERSONALITY

Party loyalties have also weakened in New York, but in the Empire State, strong personalities, some of whom have built influential local organizations, have tended to make the parties look stronger than they are.

Although New York clings to its reputation as a liberal mecca, it has probably moved a few degrees to the right ideologically in recent years. Reagan's 165,000-vote victory in New York in 1980 surprised many observers and signaled that a national landslide was in the offing. "Even though the state is competitive in presidential elections, I had trouble [in 1980] convincing the Reagan people that we'd win New York," said state GOP chairman George Clark.

Although badly outnumbered in most of New York City, Republicans have strong vote-gathering operations in the surrounding counties. In addition, the upstate area votes heavily Republican in statewide elections.

In contrast to the years (1959-73) when Gov. Nelson A. Rockefeller dominated the state and party, New York's GOP has lost its moderate hue. Its most prominent figures—Sen. Alfonse M. D'Amato, Rep. Jack F. Kemp and unsuccessful 1982 gubernatorial candidate Lewis E. Lehrman—are conservatives; Republican moderates have fared poorly in recent primaries.

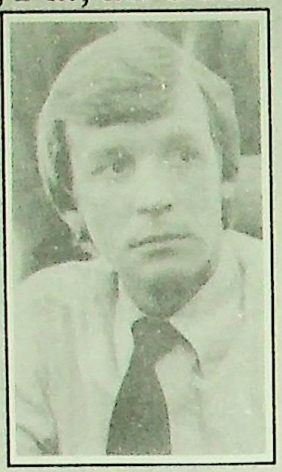
As for the Democrats, Gov. Mario M. Cuomo is the principal figure by virtue of his victory in the 1982 gubernatorial primary over New York City Mayor Edward I. Koch.

Cuomo's policies are largely liberal, and he received substantial support from blacks in his 1982 victories over Koch and then Lehrman. But the key to his success has been his appeal to his relatively conservative fellow Italians, the state's largest ethnic voting group. "It's his complete eloquence," said state Dem-

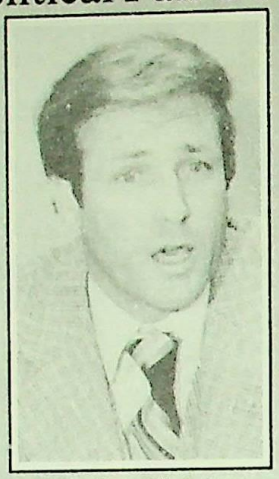
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In Bucks County, Pa., an Odd Political Pair Does Battle

DOYLESTOWN, PA.—Standing side by side in front of the county courthouse, they mix easily with the many local officials and veterans at the groundbreaking for the Bucks County Vietnam veterans war memorial. But as both later agreed, Peter H. Kostmayer and David A. Christian are an odd political matchup. They also may produce one of 1984's closest congressional races.



Peter H. Kostmayer



David A. Christian

In Bucks County terms, they are "upper county" and "lower county," but the backgrounds and party labels of the two congressional candidates seem out of sync.

Kostmayer, a 37-year-old Episcopalian, is a self-styled "yuppie" and looks like one. He grew up in Solebury in the heart of the county's picturesque countryside, graduated from Columbia University and first registered as a Republican. But he gained his political spurs as a press aide to Democratic Gov. Milton J. Shapp and was first elected to the House in 1976. He is the first Democrat to represent Bucks County in this century.

Christian, a 35-year-old Catholic, grew up in working-class Levittown, where he still lives. His father left home when he was a child and his mother received welfare aid. After high school graduation, he passed a test to win entry to an Army officers' candidate school even though he was too young, and later became the youngest captain to serve in Vietnam. Wounded several times during his four years there, he spent two years recovering in an Army hospital.

After he returned home and attended local universities, Christian became a consultant to the Labor Department on job training programs. He said he turned down an offer in 1981 to become deputy director of the Veterans Administration because of his disagreement with the Reagan Administration's policy on compensation to agent orange victims. Although he had never been active politically, Republicans came to him early this year when James K. Coyne, whom Kostmayer defeated in 1982 to regain his seat, shocked GOP officials with his decision not to run. Like Kostmayer in 1976, this is Christian's first bid for public office.

"I understand social programs and their abuses because I have been on welfare and disability," Christian said. "People want government to work on their behalf. My job is to let people know I'm one of them and that Pete Kostmayer, even though he is a great guy, is a grandstander and reckless big spender. No one knows what he's done to bring jobs here." Christian expects to raise $500,000, as Coyne and Kostmayer did in 1982, and is receiving aid and training from the National Republican Congressional Committee.

As a member of the House Foreign Affairs Committee, Kostmayer has been a strong critic of the Reagan Administration's Central American policies. "I'm a liberal Democrat and I've not modified my tough position on Reagan's defense budget and foreign policy," he said. "I'm perhaps a little schizophrenic because I hold one of the most marginal seats in the country. But I've voted with my 'real constituency' in the lower end of the county because it doesn't work when you stray from your base." He won his first election by about 1,300 votes, lost to Coyne in 1980 by 4,000 and regained the seat by 2,300 votes.

Kostmayer said he's had one change of position since he was first elected. "I've become more of a protectionist because we have to take tougher positions in response to our highly protectionist trading partners," he said. A bumper sticker on his office door reads "Foreign Steel Steals Jobs."

Trade policy is an acute problem for him because his district includes the U.S. Steel Corp.'s Fairless Works, which employs nearly 6,000 workers. Members of Congress and United Steelworkers of America officials last year strongly protested a proposed joint operation by U.S. Steel and the nationalized British steel industry that opponents contended would have meant the loss of 3,000 jobs at the Fairless plant. The deal was canceled in January.

Both candidates agree that the key battleground in their campaign will be the "lower county"—Christian's home and Kostmayer's political base. "I don't think his background there will work for him," Kostmayer said. "People see through that and will vote on the basis of the candidate records." The incumbent plans to campaign strongly against President Reagan's policies but conceded that "I'm in trouble" if the Democratic presidential candidate does as poorly in that area as President Carter did in 1980.

Christian said that while he is not welcomed by steelworkers union officials, many of his friends work at the plant. "The people in the lower end of the county are tired of slick-talking politicians who take credit for saving jobs when people are being laid off," he said. "They want government to work on their behalf, for local officials to use their influence to bring jobs to Pennsylvania instead of Texas."

Following the war memorial ceremony, Christian drove to a Levittown funeral of a Jewish World War II veteran, where he warmly embraced the family and drew muffled good wishes from many attendees. "Veterans are one of my strong bases," Christian later said. "There were 140 from here who were killed in Vietnam. Family unity is important in this county, and I'm the first candidate in a long time with military experience. I'm trying to bridge the jealousies between Vietnam and World War II veterans and work for their common interest." Kostmayer did not serve in the military.

Kostmayer said that he expects to do better than in past races in his Republican-controlled home area because he is better known there and because some of Christian's support for conservative foreign policy and social issues may not play well. Kostmayer also hopes to benefit from last year's House subcommittee approval of his bill that would effectively scuttle a proposed power pump across Bucks County, but he conceded that prospects for the legislation are dim.

Like Kostmayer, Christian opposes the pump but he has tried to keep friendly ties with both its supporters and opponents. "Republicans lose races in Bucks County; Democrats don't win them," Christian said. "When I saw Pete Kostmayer today, he was worried."

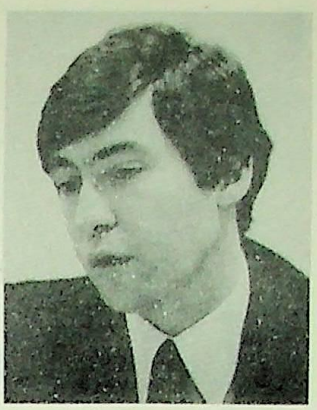
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ocratic Party chairman William C. Hennessy. "When he talks about family and ideals, people believe him and are willing to follow."

Following the traumatic near-bankruptcy of both the city and the state in the mid-1970s, both have made healthy economic recoveries. Only in the Buffalo area is unemployment in double digits, at 11 per cent. But the state's economic base is moving from industry to services. In Westchester County, for example, 2,000 workers were recently laid off at a General Motors Corp. plant and hundreds of others at plants shut down by Otis Elevators and Life Savers Inc.



Democratic Gov. Mario M. Cuomo's use of "family values" themes in his successful New York race shows the issue need not work only for the GOP.



New York Rep. Thomas J. Downey, D, says the election "comes down to personality and the use of television. There is a . . . good feeling in my area for Reagan."

"The gradual shift from political left to center in New York has been partly a result of the economic crisis of the '70s," said Rep. Downey. "There's a greater feeling of what can and can't be done and a sense that New York is no longer the center of the world."

In New Jersey, the third-largest state in the Northeast, the lack of a main urban or industrial base has encouraged the Bucks County brand of independent politics. Like neighboring New York and Pennsylvania, New Jersey has recently experienced the closing of many old industries, but its economy has been buttressed by the growth of computer and electronics firms, such as American Telephone & Telegraph Co. and Westinghouse Electric Corp.

"To the degree a Democratic candidate can mobilize the unemployed and minorities, he can win," said Rep. Florio. "But Republicans have done well in recent presidential elections because it's still a fairly conservative state, especially on social issues."

Despite Reagan's easy victory in 1980, Rep. James A. Courter, the New Jersey chairman of the Reagan-Bush Committee, cautioned that the state cannot be taken for granted. "Republican success in New Jersey has been based on individual candidates and the year. People don't like the extremes," he said.

New England, significantly, is where third-party presidential candidate Anderson did best in 1980. Six of the nine states in which he won at least 10 per cent of the vote are in the region. Those six states, all in New England, also gave Hart sizable victories in this year's Democratic primaries. "That shows New England voters like ideas," said an observer. "They find most politicians stale and support those who seem thoughtful and want a new direction."

Michael McLeod, a former top Anderson aide who is now a Washington political consultant, said Hart and Anderson both appealed to relatively prosperous New England voters, many of whom work in recession-proof high-technology industries. Hart did better there than Anderson, he added, because the area's voters, while they may lack strong party ties, generally don't care much for political mavericks. They went for Hart, he said, because "he's campaigned in the two-party system and is part of the regular political structure."

New England's strong economy, which may have made Hart's future-oriented themes more appealing there than Mondale's more traditional message, is a result of such factors as its sizable defense and education industries and the high-tech boom that has revitalized much of the region. The area escaped relatively unscathed from the most recent recession.

"The recession of the mid-1970s shook out a lot of the area's weaknesses, so it has been less sensitive to industrial decline," said Rep. Bruce A. Morrison, D-Conn. "But people seem to look at national trends on unemployment, and that helped me" defeat freshman Rep. Lawrence J. DeNardis in 1982. (The two will have a rematch this year.)

Hart's New England victories dramatized the area's political independence because they were won in the face of Mondale's ample local endorsements.

Although Republicans are still badly outnumbered in party registration and local officials in southern New England, there have been recent stirrings of party activity. Polls suggest that Richardson has a good chance to become the first Republican statewide officeholder elected in Massachusetts since 1972. Sen. Lowell P. Weicker Jr. of Connecticut, who is considered a party maverick in Washington, has reorganized the state GOP central committee and has recruited more attractive candidates for legislative races with his strong attacks on Gov. William A. O'Neill and other state Democrats. And, in a 1983 special election for Rhode Island's 50-member Senate, Republicans increased their strength from 7 to 21. *(See NJ, 10/29/83, p. 2263.)*

Given continued Republican leanings in northern New England, these developments suggest that Democrats cannot take the six New England states for granted in November.

THE PRESIDENTIAL RACE

Reagan's success in the Northeast in 1980 can probably be attributed partly to voter hostility toward Carter. This year, strategists in both parties expect the Democrats to focus on Reagan and try to play upon public fear of the consequences of his policies. They do not believe the identity of the Democratic nominee will make much difference in terms of that strategy.

As elsewhere in the nation, the result will depend on the Democrats' ability to convey a message that will motivate their supporters to go to the polls and on Reagan's ability to avoid economic and foreign policy mishaps.

"The issue in 1980 was Carter; Reagan won because he showed he was genial and non-menacing," said a senior Democratic adviser in New York. "This year, the issue is Reagan and the economy. The traditional Democratic coalition is already angry, and the swing vote will become angry as the economy worsens."

Democrats concede that one of their major challenges will be to get the public to focus on Reagan's policies and not his personality. "People are apprehensive about the deficit and the Mideast, but it's not clear this will translate into votes," said Rep. Matthew F. McHugh, D-N.Y.

Boehlert, who represents an adjoining upstate district, said the President will do well in that area because "there is a greater degree of confidence in Reagan and the fact that he is a firm leader," even though voters may disagree with some of his policies. "Plus Reagan has the distinct advantage of following Carter."

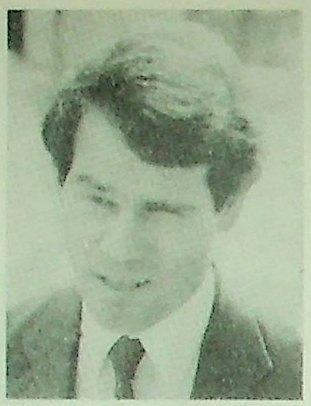
Republicans also believe they may score some points in the contrast between the personalities of Reagan and either Mondale or Hart.

As in 1980, Republicans will include

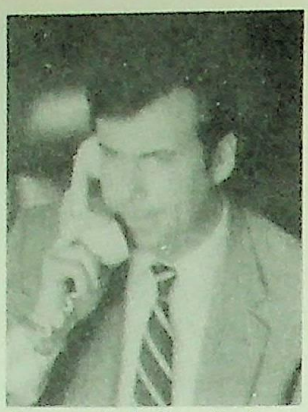
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few of the states of the Northeast among those they expect to win to reach the needed 270 electoral votes. "The Reagan-Bush people have said we're a second-tier state again this year," said New York Republican state chairman Clark. "Winning New York would mean we're having a strong election. This encourages me because I prefer being the underdog. But I say we'll win by seven points."

GOP leaders believe they will benefit from the party's efforts this spring to register voters in Republican areas and probe for Democratic weaknesses. Clark, for example, has been working with local union officials "who are happy with Reagan because they have more money and are optimistic about the future, and they are ready to do their thing for a guy they believe is doing the right thing."



Mike Krauss, a Pennsylvania Republican: "The baby-boom generation is just starting to participate, but it is transforming American politics."



George Clark, New York State Republican chairman: "Winning New York would mean we're having a strong election. . . . I'll say we'll win by seven points."

As the state's primary showed, much of the focus in New York politics is on its ethnic groups. According to Clark, Reagan won 65 per cent of the Italian vote and 40 per cent of the Jewish vote in 1980 compared with the 50 per cent and 33 per cent taken by Lehrman in his narrow 1982 loss to Cuomo. How those groups vote in November will be critical.

The other key ethnic factor in New York will be the Democratic nominee's ability to duplicate the huge black turnout Jesse Jackson produced in April.

In Bucks County, Kostmayer said, "I've found a lot of strong opposition toward Reagan, but I think there also is a lot of unspoken support for him among those who supported him in 1980."

A Mondale adviser in Pennsylvania predicted that the Democratic nominee should win the state but said that, as in New York, the Jewish and blue-collar ethnic voters who supported Reagan in 1980 will be the key. He added that those voting blocs are more likely to give strong support to Mondale than to Hart.

THE ISSUES

The Northeast, perhaps more than the rest of the country, is a mixture of economic success stories and continuing problems. For that reason, the presidential candidates must frame the issues in the region so that they appeal to winners and losers alike.

For the Reagan team, the task will be relatively straightforward: emphasize the progress made since 1980.

"We'll remind voters of lower inflation and interest rates, the tax cut and the economic recovery," said Thornburgh, who is serving as Pennsylvania chairman of the Reagan-Bush Committee. "Unemployment is still too high, but a more relevant message is that middle-income people have more access to the housing market and consumer goods. We're moving in the right direction."

For the Democrats, the task may be more complex. Some Democrats stress the need for a positive message. "There is no baseline of venom that would cause the public to turn on Reagan as they did on Carter," said Rep. Morrison. "But Reagan's ability to forge a positive four more years is more subject to doubt against someone who offers alternatives and reminds the public of the impact of the deficit. With a positive message, a Democrat could win Connecticut."

Edgar, an early Mondale backer, suggested a different approach that he is using in his Pennsylvania travels. "I'm convinced there is an 'anger coalition' of women, social workers, labor, blacks, environmentalists, peace activists and others," he said. "The leadership of these groups is avid and mostly pro-Mondale, but it wants anybody but Reagan. The question is whether we can take that leadership and bring along the rank-and-file, who bailed out on an ineffective President in 1980. If the Democratic nominee can be the cement to hold that base together, we can win because we potentially would have a stronger pyramid."

New York Assemblyman Albert Vann, state chairman of the Jackson campaign, said: "Democrats recognize that the only way we can beat Reagan is with increased enthusiasm from blacks. That will be harder to do if Jackson is not the candidate. It will depend on the agenda and what commitments are made, for example, to the needs of black America."

But others point out that clashes among different elements of an "anger coalition" could weaken its base. "The difficulty they face is that attracting a large black vote may not help get Italian votes," said Republican Richard Behn, who has a polling consulting firm in New Rochelle, N.Y. "Cuomo could do it in 1982, but the key difference now is the change in the economy and the perception that things are getting better instead of worse."

A constant theme by strategists trying to reach across constituencies in both parties is the emphasis on "family values." Roger Stone, the coordinator for the GOP campaign in the Northeast in 1980 and again this year, has argued that blue-collar urban Catholics are the region's swing voters. The way to reach them, he believes, is through social issues such as school prayer and tuition tax credits—though not through more divisive issues such as abortion or the Equal Rights Amendment—more stability and continuity in national policy and a stronger national defense. Republicans have used mail and other targeted appeals to reach groups to emphasize these points.

Cuomo's use of "family values" themes, especially among fellow Italians, shows that the issue need not work solely for Republicans. Democrats also point out that they can use the issue against Reagan. "He uses that as a code word for the type of conservative social values espoused by Jerry Falwell," said New York Assemblyman James R. Tallon Jr., who was Hart's upstate coordinator. "No Democrat will or ought to sound like that. If anything, our image of a more diverse society will allow us to take votes from Reagan."

Nor do all Republicans share Stone's belief about the impact of the social themes. "There will be some opportunities for the Reagan-Bush campaign on those issues because we have a varied ethnic population among some of whom 'family values' can be targeted," Thornburgh said. "But the general issue is economic relief."

As for the lesson of Bucks County, Krauss, who worked with Thornburgh as executive director of the Republican state committee from 1979-81, offered his own political perspective:

"The last generation built steel mills and moved mountains, but this generation is more conscious of the problems created by that. We believe strongly in participation and issues, and we're in this for the duration." □

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Campaign Report 1984

In the South, the Political Tides Are Running in the Direction of the GOP

Democratic strategists must mount an all-out effort to rebuild their tattered southern coalition. They won't be helped by the rising economy in most of the region.

BY DICK KIRSCHTEN

TAMPA, FLA.—The ambitious mayor of this growing Sunbelt city thinks he has the right answers to three questions that are likely to dominate southern politics in 1984.

Midway through his second successful term in city hall, Mayor Bob Martinez is positioning himself for a future race for Florida's governorship. In doing so, he is betting on these propositions:

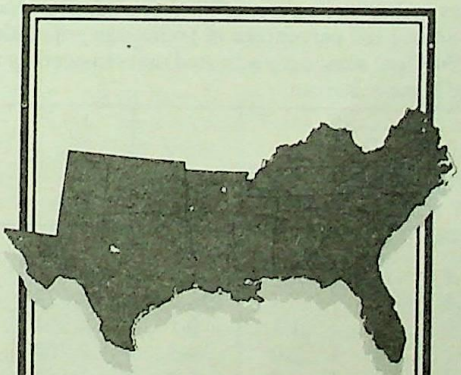
- that two-party politics has come of age in the once solidly Democratic South;
- that the region's relative prosperity favors the Republican Party's prospects;
- that the GOP must invest in Hispanic support in a year when blacks may be motivated as never before to vote Democratic.

Accordingly, Martinez, who has twice won handily in Tampa's nonpartisan municipal elections, has renounced his lifelong membership in the Democratic Party. With maximum publicity, he has signed on to play a visible role in President Reagan's reelection campaign.

He was officially welcomed into the Republican fold during a red-carpet tour of Washington last July that included a meeting with Reagan and Vice President George Bush in the Oval Office. He will be a delegate to the GOP convention, and his chief political adviser, Mac Stipanovich, who changed parties at the same time, has since been named Florida executive director of the Reagan-Bush '84 campaign.

The significance of Martinez's surname was not lost upon the national GOP leaders who believe that the Reagan-Bush ticket can partially offset expected losses among blacks by making inroads into the Hispanic vote. The compelling presence of a black candidate, Democrat Jesse Jackson, in the 1984 presidential picture subsequently brought the issue of racial and ethnic voting blocs even more sharply to the forefront.

Bob Martinez is not the only southern Democrat who sees party switching as the ticket to political opportunity. Rep. Phil Gramm, first elected as a Democrat, is now running for the Senate in Texas as a Republican, and his former Democratic colleague, Rep. Andy Ireland of Florida, is seeking to retain his House seat this year as a member of the GOP.



Regional Politics

This is the second of four articles on regional politics and their impact on the presidential election. *(See NJ, 4/14/84, p. 717.)*

The political tide in the South has run in the Republicans' direction over the past two decades, but not without some tricky cross currents. In the past three years, Democrats have displaced Republican governors in Texas, Virginia, Louisiana and Arkansas and now control all but one of the 13 statehouses in the region. And, in the 1982 congressional elections, the Democrats made a net gain of 10 House seats in the 13 southern states. *(See table, next page.)*

Republicans such as Martinez, Gramm and Ireland are gambling that the recent Democratic gains do not represent a trend but merely reflect normal midterm losses, exacerbated perhaps by the economic recession that has since abated.

Democratic strategists, on the other hand, must mount an all-out effort to rebuild their tattered southern coalition. Between now and 1986, they think, the party has a good chance to reclaim a half-dozen Senate seats that have fallen into Republican hands. This year, their chief focus will be on Texas—the region's juiciest plum with 29 electoral votes. It is the only southern state carried by the Democrats in a majority of the past six presidential elections.

TWO-PARTY SYSTEM?

The political realignment of the South has proceeded sporadically since the region was torn by the civil rights struggles of the late 1950s and early 1960s.

Democratic presidential candidates, with the exception of Jimmy Carter, who lost only Virginia and Oklahoma in 1976, have encountered rough going. John F.

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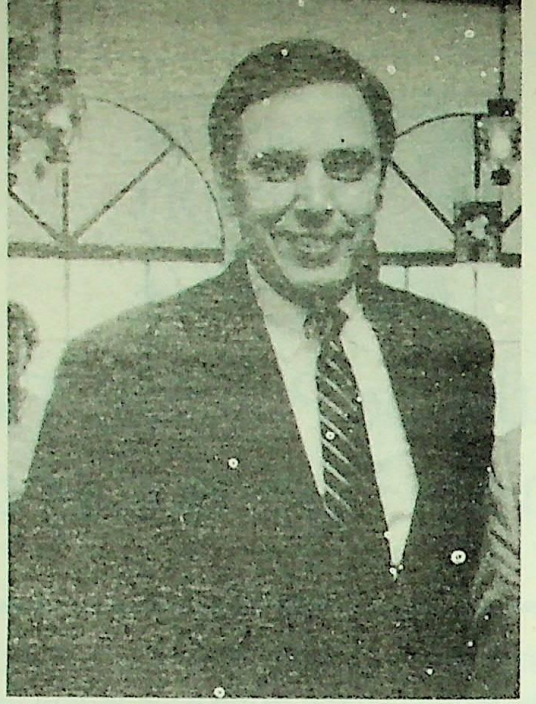
Kennedy divided the southern states in 1960. Texan Lyndon B. Johnson's victory in 1964 was a landslide everywhere but in the South, where he carried eight states to arch-conservative Barry Goldwater's five. Hubert H. Humphrey in 1968 took only one southern state, George McGovern in 1972 carried none and Carter in 1980 won only his native Georgia.

In Congress, the shift in the region's political landscape began 20 years ago, when South Carolina's veteran U.S. Senator, Strom Thurmond, crossed from the Democratic to the Republican side of the aisle. At the end of 1964, Thurmond's defection notwithstanding, Democrats occupied 85 per cent of the South's seats in the Senate and 84 per cent of its seats in the House. Today, despite even the gains scored by the party in 1982, the Democrats hold only 54 per cent of the South's Senate seats and 69 per cent of its House seats (including the recent switch to the GOP by Gramm but not including Ireland's switch).

The emergence of a two-party system has been much less certain at the state and local levels. Just as they did 20 years ago, Democrats today hold 12 of the region's 13 governorships, and, throughout the region, most city and county contests are still decided in the Democratic primaries rather than in general elections.

Nonetheless, Republicans have achieved dramatic breakthroughs in the statehouses and made steady gains in the legislatures of the South. Since 1964, 10 states in the region have elected Republican governors at least once. Seven of those states had not had a Republican governor since the Reconstruction era.

Party switching by prominent conservatives played its part. Virginia's Mills E. Godwin Jr., elected governor as a Democrat in 1961, came back to win another term as a Republican in 1973. And John B. Connally, a Democratic governor of Texas (1963-69) and an aide to Presidents of both parties, joined the GOP in 1973 with a higher goal in mind: In 1980, he mounted a conspicuously expensive and conspicuously unsuccessful bid for the GOP's presidential nomination.



Tampa (Fla.) Mayor Bob Martinez has renounced his lifelong membership in the Democratic Party and signed on to play a visible role in President Reagan's reelection campaign.

A REPUBLICAN ECONOMY?

In Tampa, where the 6.6 per cent unemployment rate at the start of this year was well below the national average, Mayor Martinez's decision to become a Republican is understandable. Florida has voted Republican in four of the past six presidential elections, and many political leaders expect this year to be no exception. Looking ahead to 1986, when popular Democratic Gov. D. Robert Graham will be ineligible to seek a third term, the GOP has high hopes of capturing the statehouse in Tallahassee.

Martinez has not yet declared for the gubernatorial race, but he has made his interest in that contest known and has announced that he will not seek another term as mayor. And when Vice President

The South: A Guide to Its Politics and Its Economy

Here are key political and economic data for the 13 states in the South. Included are the number of electoral votes in 1984, the number of victories for each party in the six presidential elections since 1960; the percentage of the vote for the Democratic and Republican candidates in 1980; the party affiliation of the governor, Senators and House Members; 1984 voting-age population (VAP), in thousands; 1980 percentage of voting-age population that are black and of Spanish origin; state unemployment rate in February 1984 (not seasonally adjusted) as measured by the Bureau of Labor Statistics; and 1982 per capita income, as measured by the Census Bureau.

	Pres. results 1960-80 D-R	1980 D-R		Govs. Party	Sens. D-R	House D-R	VAP	% VAP black	% VAP Hispanic	Unempl. rate	Per capita income
Ala. (9)	2-3*	47.4%	48.8%	D	1-1	5-2	2,875	22.9%	0.8%	12.8%	$8,648
Ark. (6)	3-2*	47.5	48.1	D	2-0	2-2	1,694	14.1	0.7	10.0	8,481
Fla. (21)	2-4	38.5	55.5	D	1-1	13-6	8,529	11.3	8.5	6.1	10,978
Ga. (12)	3-2*	55.8	41.0	D	1-1	9-1	4,204	24.3	1.1	6.6	9,582
Ky. (9)	2-4	47.6	49.1	D	2-0	4-3	2,700	6.7	0.7	10.6	8,934
La. (10)	2-3*	45.7	51.2	D	2-0	6-2	3,147	26.6	2.3	9.8	10,232
Miss. (7)	1-3*	48.1	49.4	D	1-1	3-2	1,810	31.0	0.9	10.8	7,777
N.C. (13)	3-3	47.2	49.3	D	0-2	9-2	4,559	20.3	0.9	7.6	9,043
Okla. (8)	1-5	35.0	60.5	D	1-1	5-1	2,452	6.0	1.5	8.0	11,368
S.C. (8)	2-4	48.1	49.4	D	1-1	3-3	2,386	27.3	1.0	7.9	8,501
Tenn. (11)	2-4	48.4	48.7	R	1-1	6-3	3,476	14.2	0.7	9.9	8,905
Texas (29)	4-2	41.4	55.3	D	1-1	21-6	11,487	11.1	17.7	5.9	11,419
Va. (12)	1-5	40.3	53.0	D	0-2	4-6	4,203	17.5	1.4	5.4	11,095
U.S. (538)	3-3	41.0	50.7	35-15	45-55	268-166	173,936	10.5	5.5	8.4	11,106

*does not include victories by third-party candidates

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Bush campaigned recently in central Florida, he stopped in Ybor City—Tampa's old Cuban district—where local television cameras observed him having lunch with the 49-year-old Martinez, a former executive director and lobbyist for the Hillsborough (County) Classroom Teachers Association.

If Martinez is correct in guessing that a rising economic tide is more likely to lift Republicans than Democrats, the GOP would appear to have the best of it in this year's southern electoral politics. The region's five most populous states—Texas, Florida, North Carolina, Georgia and Virginia—are also blessed with the lowest unemployment rates. Those states will deliver 87 of the South's 155 electoral votes.

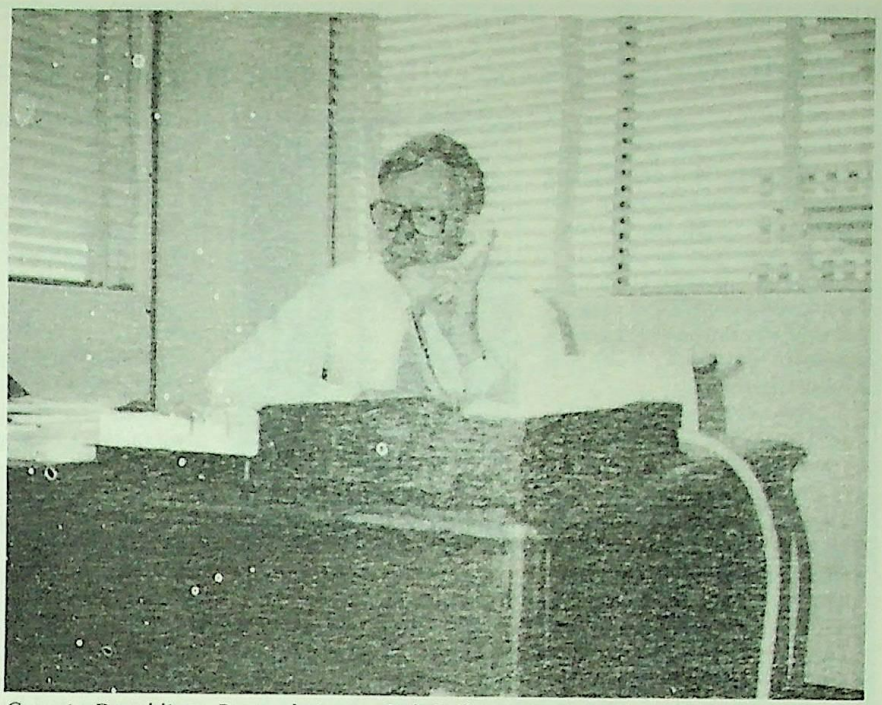
Economic recovery, however, has been uneven throughout the region. Alabama, with its sagging steel industry, for example, is saddled with a 12.8 per cent unemployment rate, more than twice Virginia's 6 per cent. In fact, double-digit unemployment prevailed throughout six states in the South's heartland at the start of the year: Arkansas, Kentucky, Louisiana, Mississippi and Tennesee joined Alabama on that dismal list.

Even within states that appear to be prospering, there are localized patches of economic dispair. Nowhere is this more so than in Texas, which is simultaneously experiencing areas of both boom and bust. Democratic Gov. Mark White, interviewed in his Austin office, said: "The statewide numbers look pretty good, but averages will fool anybody. What you really have to look at are the pockets of unemployment that are really there. And they are dramatic."

White's observation is borne out by the latest figures from the federal Bureau of Labor Statistics. Despite an state unemployment rate of 5.9 per cent, Texas's border towns in the Rio Grande Valley have been hit with devastating jobless rates, in large part because of the devaluation of the Mexican peso and a crop-killing freeze. Unemployment is 23.1 per cent in McAllen, 19.1 per cent in Laredo and 13.7 per cent in Brownsville.

Along the Gulf Coast, the oil refineries are also experiencing slack times. Unemployment at Beaumont and Port Arthur is running at 11 per cent and in the Galveston-Texas City area, it is 8.9 per cent.

White, who unseated Republican Gov. William P. Clements Jr. in 1982, took partisan umbrage at the suggestion that the improving business cycle would push Texas into the GOP column this November. He chided Reagan for "his failure to take action, particularly in the [Rio Grande] Valley, where the unemployment is the highest in the nation." He characterized the Administration's appointment of a task force to address the stricken area's problems as "the cruelest hoax of all—a horrible example of holding out false hope and extending no real substantive help."



Georgia Republican Party chairman Bob Bell is optimistic about President Reagan's reelection chances in Georgia because of the state's booming economy.

The Texas governor contended that Administration actions to thwart a legal challenge to the oil "windfall profits" tax and to abolish "some of the tax shelters for oil and gas investment" contributed to that industry's decline and to the "double-digit unemployment figures in southeast Texas." He added that "agricultural interests in the western part of our state have been kicked around pretty harshly by this Administration." He conceded that the Texas housing market was strong but said, "You can watch that evaporate when interest rates go up."

In sum, he asserted, "Ronald Reagan had very little to do with the prosperity that you see in Texas." He ridiculed the President's recent visit to Dallas "to brag about economic recovery. The fact of the matter is that Dallas didn't have an economic decline," he said. "When you call the doctor, you want him to go to the sick, not to the well." *(For more of the interview, see box, p. 766.)*

George Strake, chairman of the Texas Republican Party and a possible candidate against White in 1986, offered a predictably different assessment of Texas's economic and political landscape. He said the Administration has come to the aid of the Rio Grande Valley, granting "about $92 million" in loan extensions to beleaguered businesses, extending unemployment benefits and delivering about 500,000 pounds of food. The trouble is, he complained, "we have done a poor job of getting that message out. But White has done an extremely good job of grabbing the headlines and acting like Reagan hasn't done anything."

Elsewhere in the state, Strake said, things are looking good for the GOP. "Houston was in a litle bit of a sag because the energy industry was depressed, but it's beginning its recovery. And when Houston comes roaring back, that's a big segment of the state's economy. The Dallas area seems to be booming. West Texas is in the Reagan camp because his foreign policy is popular in that area and the rock-ribbed Democrats in East Texas vote Republican in presidential elections. They're Reagan fans."

Georgia Republican chairman Bob Bell is similarly optimistic about the President's reelection chances in his state, where the economy, he said, was "booming." Atlanta's unemployment rate is 5.5 per cent, and statewide joblessness is at 6.6 per cent. Republican voter registration drives, targeted primarily at newly arrived upper-income whites, are succeeding beyond expectations, Bell buoyantly reported in a telephone interview.

The Georgia GOP chairman said his party hopes to find at least 50,000 new Reagan-Bush voters in the suburban areas populated by the highly mobile corporate executives and their families who have flocked to his state in recent years. He noted that many of them tend not to be registered because "they may be here for only two years and don't have a great

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High-Tech Success May Mean Big Payoff for Texas Democrats

AUSTIN—The cover of April's *Texas Monthly* magazine depicts the Lone Ranger astride his bucking steed with the caption, "Hi-Yo, Silicon." In an introductory essay to a report on "Texas's High-Tech Frontier," editor Gregory Curtis attempts to capture the essence of what the Lone Star State is all about.

"The real business of Texas is business," Curtis proclaims. "It holds the loftiest place in the imagination and values of the state and, finally, is the source of our greatest pride. We honor businessmen more than scientists or scholars, even more than doctors."



Mark White

Such rhapsodic tributes to the spirit of boosterism explain why the Republican Party has chosen the cordial environment of Dallas for its national convention in August. But oddly enough, the politician currently making the most hay out of Texas's latest business boomlet is Democratic Gov. Mark White.

If White's upset of incumbent Republican Gov. William P. Clements Jr. in 1982 was accomplished in large measure because of large turnouts of the state's black and brown voting blocs, he has since captured the imagination of a third constituency—the bankers.

The governor was the guest of honor at an April 9 reception held in one of Austin's many spanking new office towers and well attended by members of the investment community. The occasion was to hear a progress report from Bobby R. Inman, president of a high-powered consortium formed to pioneer advances in computer technology with the aim of assuring the United States of world dominance in that fast-growing field.

Austin was one of 57 cities in 27 states that bid to become the site for the much publicized new venture that operates under the name of MCC—the Microelectronics and Computer Technology Corp. With White orchestrating the recruitment effort—and perhaps with an assist from the fact that Inman, a former deputy CIA director, is a Texan—the competition was won by Austin, which now expects to become a magnet for high-tech enterprises.

In his Capitol office the day following the reception, White predicted that MCC would be "just the first of many" job-producing new developments to be attracted by the state office of economic development that he has established.

White boasted of the "dynamic generated" by mobilizing the resources of "the State of Texas and its public institutions and not simply waiting on the business community to move." In the case of MCC's recruitment, those resources were considerable.

White and Ben F. Love, chairman of Texas Commerce Bancshares Inc., promised to raise $23.5 million in private funds. That money will be used to build a $20 million headquarters for MCC, with the building to be owned by the Austin-based University of Texas and leased at nominal terms. More than $2.5 million has already been provided to house MCC in a temporary site, underwrite personnel relocation costs and make a Lear jet available for MCC executives. Local builders and lenders are also offering subsidized mortgage rates to employees moving here to work for the new venture.

In addition, the university has greatly accelerated and expanded its plans to improve its capabilities to turn out the caliber of graduate students needed to fill the jobs at MCC and other high-tech firms. Over the next three years, it expects to spend more than $40 million toward that end. Recent contributions totaling $16 million have enabled it to endow 32 new professorships in eight disciplines pertinent to MCC's long-term research goals.

Dallas, San Antonio and Austin were initially contenders for MCC, and White is given credit for encouraging leaders in all of them to support Austin when it emerged as Texas's only entry among the four finalists. Perhaps even more of a feat was the governor's success in getting the University of Texas and rival Texas A & M University to coordinate their efforts in support of the Austin proposal.

Writing in *Texas Monthly*, journalist Harry Hurt III observed that "Mark White campaigned to bring MCC to Texas as if it were the key to his reelection." That may very well be the case. White has been subjected to a steady stream of criticism from the state's newly reorganized GOP party organization and its chairman, George Strake, who reportedly plans to run against White in 1986. And he faces a tough special session of the Legislature, probably in June, in which he will seek a tax increase to raise teachers' salaries.

White is building on his MCC success and the subsequent decision by 3M Corp. to erect a sophisticated plant near Austin to pick up political support from conservative business leaders. Speaking at the MCC reception, he linked the success of his legislative efforts to improve the state's educational system to the state's chances of prospering in the high-tech era.

In the interview, White said that education "is the one strong state issue out there right now" and predicted that it will work to his favor. "The people want a quality product. They recognize that good education is a cost, but they see it as a good investment that they are willing to make. They are looking to the future."

Many Texas Democrats feel that the future of their party is linked to White's success. San Antonio Mayor Henry G. Cisneros, a rising national star in the party, is also a leading advocate of bringing jobs and prosperity to Texas by boosting education and high technology. His political position has been bolstered by the University of Texas's decision to build a new engineering school in his city and by Control Data Corp.'s decision to build a plant there with nearly 90 per cent of its work force made up of Mexican-Americans.

Cisneros envisions that the 85 miles separating Austin and San Antonio can become a "high-technology corridor" that will rival the so-called Telecom Prairie in the Dallas-Fort Worth area. Not surprisingly, he hopes to work toward that end with fellow Democrat White for some time to come.

In an interview, he said GOP prospects in the state were severely set back by White's win. "I think we would have had a two-party state if Gov. Clements had been reelected. But instead, a new era has been ushered in giving Democrats an opportunity to dominate Texas politics for the next 12-15 years. Mark White is likely to be governor through 1990 and, perhaps, U.S. Senator beyond that."

If the real business of Texas becomes the high-technology business, Cisneros and White may indeed have boosted the Democratic Party's long-term prospects for remaining successful in the business of politics.

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deal of commitment to the community."

Former Office of Management and Budget director Bert Lance, who now chairs the Georgia Democratic Party, said he is directing his efforts more toward blue-collar voters and is trying to capitalize on the increases in black registration spurred by Jesse Jackson's candidacy. Lance indicated a degree of disdain for Democratic presidential candidate Gary Hart's thesis that the Democrats should be trying hard to attract the same voters that the Georgia Republicans are going after.

"I may be wrong about these young upward professionals, if that is the proper description for them, but the folks I have known in that category basically end up being Republicans," Lance said. "Voting as Democrats for them is just a way station toward becoming Republicans."

Although he said Reagan would carry the South if the election were held now, Lance argued that the President's position is more fragile than many people think. He said he believes that his party will benefit the most from voter registration drives in the state "because we got more Democrats than we got anything else." Pointing out that Reagan's victory margins in the region in 1980 were generally quite thin, he said, "Every percentage point of increased voter turnout in November will create real problems for Reagan and for other Republicans in the South."

The former Carter budget director said the large deficits incurred during the Reagan Administration are not an issue with the public but could become so if Democrats can "do a better job of articulating the impact of the deficit on the individual voter." If interest rates increase sharply between now and November, he said, "it could make a big difference."

REOPENING OLD WOUNDS

As Lance suggested, Jackson's candidacy and its galvanizing effect upon black voters across the South—as well as in the big urban centers of the North—is generally viewed as an important plus for the Democratic Party and has sent Republicans scurrying to seek a share of the minority vote by currying favor with Hispanics such as Tampa's Martinez.

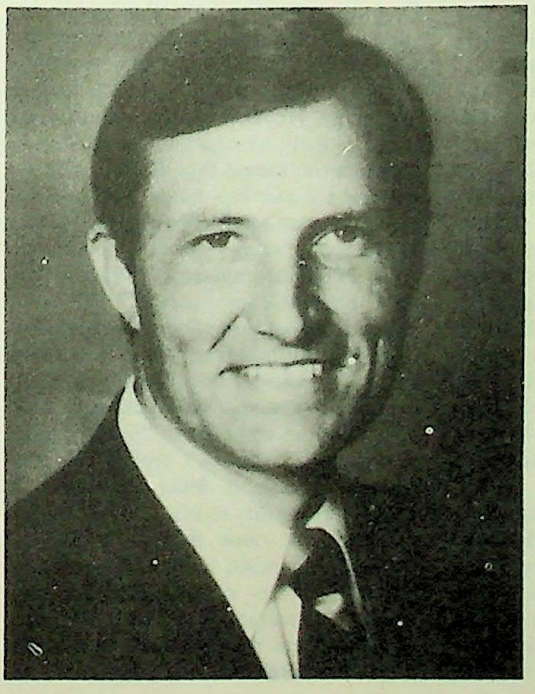
But one aspect of the Jackson campaign is causing deep frowns to appear on the brows of southern Democratic leaders. That is his apparent determination to ask the party convention in San Francisco to abolish runoff elections in primaries in which no candidate receives a majority of the vote.

Jackson, who refers to the runoff as "the second primary," hammers away in his campaign speeches at the theme that this practice—most common in the South—is a major impediment to the election of black public officials. He argues that white voters can join forces in the runoff to defeat a black candidate who wins a plurality but not a majority in a typical multicandidate primary contest.

But a black candidate nominated by only a plurality vote "stands little chance of winning against a Republican in the general election," writes Hastings Wyman Jr., a native South Carolinian who publishes *The Southern Political Report*, a biweekly newsletter. "Party officials, most of whom are decidedly more liberal on racial issues than the average white voter, see little benefit in adopting a policy that will encourage more black nominees at the expense of more Republican officeholders." (Wyman points out that in New York City, runoffs are held in certain races if no candidate gets 40 per cent of the vote.)

In an interview, Wyman said many southerners will be upset at having the discrimination issue thrust back on their doorstep after a long period in which the focus on racial discord had shifted to northern cities such as Chicago and Boston. While Democrats want and need to have Jackson play an important role in their fall campaign, Wyman argues that they must not appear once again to be making a "whipping boy" of the South. If they do, he warned, "they risk a white backlash that would play into the hands of Reagan."

Texas Republican Party chairman George Strake thinks the Democrats may hurt themselves with white voters if they make a deal with Jesse Jackson.



Texas is one of eight southern states that hold runoffs between the top two contenders when no primary candidate wins a majority. The rule dates back to 1918 and is thought by many to have more to do with the Lone Star State's tradition of one-party politics than with the voting impact of minorities. Texas had not elected a Republican governor from 1870 until 1978, and even today winning the Democratic nomination to most offices in the state is tantamount to being elected. Accordingly, a runoff or "second primary" is very much like the general election in states where the Republican Party is more firmly established.

Nonetheless, Texas GOP chairman Strake is intrigued with the problem that Jackson's demand could create for Texas Democrats who are not inclined to be critical of the runoff rule. "If they [the Democrats] cut a fat hog with Jackson, it could backfire on them," Strake said. "If it becomes too much of a racial thing, the white population might react against the Democratic nominee."

But Gov. White argues that his party will be sufficiently motivated to find a way to keep its coalition from breaking apart. "You don't win general elections in Texas if you don't have black votes," he said. "At the same time, you don't win if you just have black votes." On the side of the Democrats, he added, is the fact that the black voter's "first preference may be Jesse Jackson, but his second preference is not Ronald Reagan."

In Georgia, with a 24 per cent black population (twice that of Texas), the second primary issue is viewed with considerable alarm by Democratic chairman Lance. "I don't think the people of Georgia want the national Democratic Party telling them how they have to conduct their elections, how to choose a governor, for example. I think that could be made into a very emotional issue. It could be turned into a real firestorm about self-determination and what have you."

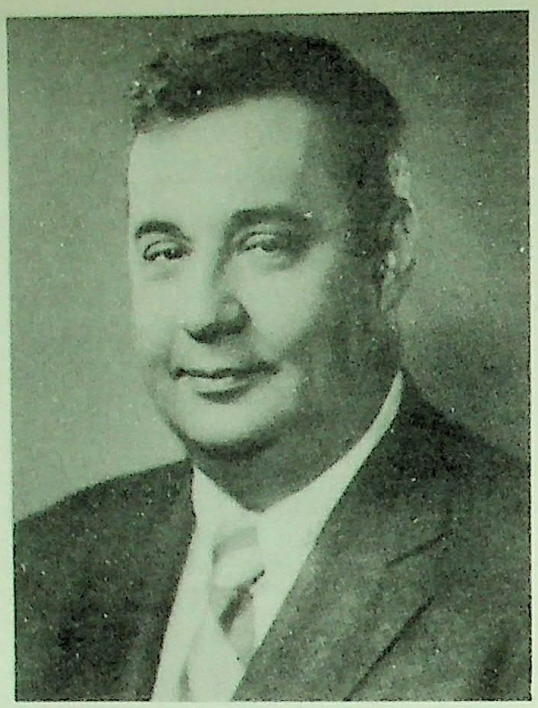
Despite his position of official neutrality, Lance clearly favors former Vice President Walter F. Mondale for the Democratic nomination and had harsh words for Hart's endorsement of Jackson's proposal to abolish primary runoffs. "In my opinion, he said the wrong thing when he backed Jackson on the elimination of the second primary.

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If presidential candidates are going to do that, they are going to have big problems in the South."

Georgia Republican chairman Bell agreed with Lance's assessment of the political unpopularity of Jackson's proposal: "If it were put before the legislature, they'd kill it in a second." But he acknowledged that his party has no problem with the proposition and eventually may be able to make some inroads into the black vote by pointing out that it is the Democratic power structure in the South that defends such institutions.

"The Democratic coalition stretches all the way from the Klan to the black Muslims," he said. "I don't think they can hold it together any more."



Georgia Democratic Party chairman Bert Lance says Reagan would carry the South if the election were held now, but adds Reagan's position is more fragile than people think.

PARTY OR PEOPLE?

In the final analysis, Tampa's Mayor Martinez appears to be both right and wrong on all three of his premises about the evolving politics of the South. Depending upon where one looks, plenty of patterns are evident, but none seem to run very deep. Reagan's prospects in the region look favorable, but the outlook for other GOP officials is far less rosy. Business is booming in the most populous parts of the South, but Republicans aren't the only politicians cashing in on it. And despite indications that the GOP is more attentive to minority voters than ever before, every indication is that blacks and Hispanics will vote as heavily Democratic as ever, if not more so.

Martinez, like others who shed their Democratic registration to "help out" the GOP, may find a less than entirely cordial welcome in his new party. If he makes the race for Florida's governorship in 1986, he will almost certainly encounter spirited opposition in the Republican primary. State Rep. Betty Easley, a veteran legislator from the suburbs north of Tampa, already has her eye on the GOP nomination. In an interview last month, Easley expressed confidence that she could raise more money than Martinez and said she doubted that he would prove to be very popular as a statewide candidate.

Officials of Reagan's reelection campaign are pleased to have Martinez on their team and may ask him to campaign for them not just in Florida but also in other states with concentrations of Hispanics. At the same time, they have judiciously covered all the bases by naming Easley as co-chairman of their Florida campaign. When Vice President Bush made a political swing through the state in March, events were arranged so that Martinez and Easley received separate but equal shares of the limelight. During that trip, a veteran Florida politician suggested that Martinez was simply "an insurance policy" to cover Reagan in the Tampa area.

In Texas, born-again Republican Gramm appears to have the lead in his quest for the Senate nomination. He has drawn three rivals, however, and could be forced into a runoff. One of Gramm's opponents, Houston attorney and oil executive Rob Mosbacher, consistently harps on the theme that Gramm's party-switching tactic has made him unelectable in November. Mosbacher insists that "a Democrat a day" comes up to him and offers him encouragement "because they want to beat Gramm so bad."

Southern politics in 1984 is not without its paradoxes, however. While Democrats such as Lance in Georgia worry about managing relations with Jackson in such a way that he will prove a "positive force in November," North Carolina's Republican Sen. Jesse A. Helms is hoping to turn voter hostility to blacks to his advantage. Helms, once thought to be extremely vulnerable, is showing surprising strength in his close reelection race against Democratic Gov. James B. Hunt Jr. Despite his state's 20 per cent black population, Helms runs a television commercial proclaiming his vote against a national holiday to commemorate slain civil rights leader Martin Luther King Jr. The commercial ends with the question; "Where do you stand, Jim?"

In Tennessee, Republicans are regarded as having only a slim chance to retain the Senate seat being vacated by Majority Leader Howard H. Baker Jr. Democratic Rep. Albert Gore Jr. is expected to have little trouble following in the footsteps of his father, who represented the state in the Senate for many years. But despite the optimism in the Gore campaign camp, a spokesman said he would be greatly surprised if Reagan did not carry the state with equal ease next fall.

Democrats also think they have a chance to win the Texas Senate seat being vacated by Republican John Tower. And in 1986, they will mount strong challenges against Sens. Paula Hawkins in Florida, Mack Mattingly in Georgia and John P. East in North Carolina.

Another surprise to many political followers in the South this year has been the collapse of the Democratic presidential candidacies that earlier had been thought to have the broadest appeal in the region. Ohio Sen. John Glenn's departure from the race after disappointing showings in the March 13 Florida, Alabama and Georgia primaries left many a southern political kingmaker without a candidate. Homegrown favorites Reubin O'D. Askew of Florida and Sen. Ernest F. Hollings of South Carolina fell by the wayside even earlier.

Coloradan Hart did well in Florida's primary and gave Mondale a close run in Georgia, but since then his campaign has lost steam. Texas's presidential caucuses on May 5 could provide westerner Hart with the stage for a comeback. He has picked up some financial backing from Texan oilmen who originally had signed on with Glenn, but the party regulars in Texas are heavily stacked up on the Mondale side of the ledger, and the mechanics of the caucus system should favor the former Vice President.

Strangely, one of the more optimistic refrains heard among Texas Democrats these days is the theory that Mondale can carry that state in the fall because he is fondly associated with Hubert H. Humphrey, who carried Texas in the 1968 presidential election. It should be noted, however, that with Alabama's George C. Wallace running as a third-party candidate that year, Texas was the only southern state Humphrey carried.

Wallace is now back in the Democratic Party and back in the Alabama governor's office, perhaps proving that in 1984, party labels no longer mean a whole lot in this region of the country. □

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Campaign Report 1984

Midwest's Recovery Pace May Hold Key To Presidential Race in Region and Nation

Will Midwest voters, having endured the deep recession and still experiencing a transformation of their economic base, blame or credit Reagan for the changes?

BY RICHARD CORRIGAN

CLEVELAND—The *Banja Luka*, a Yugoslav vessel, opened the 1984 international shipping season on the western end of the Great Lakes, taking on a cargo of corn at Duluth, Minn., on April 10 for delivery in Europe.

Spring was a long time coming after a vicious winter, and the shipping season opened late—but not late enough. Through April, ridges of ice streaked the lakes and jammed the canals, and dozens of trapped freighters had to be freed by Coast Guard icebreakers.

The Midwest itself is just thawing out economically after a recession that struck deeper and stayed longer here than in any other region of the country.

Signs of recovery abound: in the heady profits of the auto industry, the sharp drop in the unemployment rate, the pickup in retail sales and construction.

But for many companies in the Great Lakes industrial belt, recovery has been achieved not just by riding the upturn of the business cycle but by lowering their own break-even points. They are leaner, meaner, more competitive—and their recovery has not been fully shared by their labor forces and their home communities.

Whether the Midwest's political break-even point likewise has been lowered is the question now facing President Reagan as he seeks a second term.

The answer might swing the outcome of the November election, because the five Great Lakes states, with 90 electoral votes, and the seven Great Plains states, with 47, have a combined total of 137, or 25 per cent of the national total. Republican presidential candidates have carried the region in every election since 1964.

Four years ago, in a telling moment of the 1980 campaign, Reagan asked Americans whether they were better off than they were four years earlier. The answer here as elsewhere, in the trouncing of Jimmy Carter, was no.

As Midwest voters consider the same question this year, having endured the worst recession of the past half-century and still experiencing a transformation of their economic base, they may in effect be either blaming Reagan for driving them into the ice or giving him credit for guiding them through it.

A sampling of opinions in this region showed that the Midwest's economic recovery is less than total.

"For a long time, things were getting worse. Now they've improved from absolutely terrible to lousy," said James M. Trutko, director of business development at the Greater Cleveland Growth Association. "We're not back to where we were before the recession."

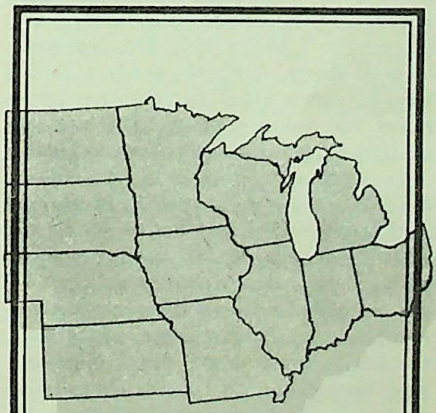
"I think that people generally feel a lot better off now," said Shannon D. Cave, executive director of the Missouri Republican State Committee. "It was the auto industry that had us reeling more than anything," he said, and that industry has snapped back. But many farmers, he said, are still "over the brink or at the brink of bankruptcy."

"Most people in the Farm Belt would hardly call themselves better off today than they were four years ago," said Rep. Byron L. Dorgan, D-N.D. "There's a lot of quiet dying going on out there. The only people making money are the farm auctioneers."

"Things are getting better, but we could stand a lot more improvement," said George Cloos, business economist at the Federal Reserve Bank of Chicago.

"There are traumas in all of the Midwest," said Chris Atchison, executive director of the Illinois Republican State Central Committee. The Sunbelt is building from the ground up, he said, while the Midwest is trying to rebuild its economy on top of an old industrial base. Illinois is "taking a little bit longer to emerge" from the recession than most of the nation, he added, but "we're beginning to see favorable trend lines now."

"I haven't seen a normal year since



Regional Politics

This is the third of four articles on regional politics and their impact on the presidential election. *(See NJ, 4/14/84, p. 717; 4/21/84, p. 763.)*

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1979," said Jerrold Peterson, professor of economics at the University of Minnesota (Duluth). Peterson, who publishes a monthly survey of the northern Minnesota economy, said the region's taconite mines, which employed 15,000 workers in 1979, now employ about 7,500, and the lost jobs "look like they probably won't ever reappear."

Imports of foreign steel and iron ore have cut into the steel industry's already depressed demand for domestic taconite, he said. Jobless rates in northern Minnesota still are about 20 per cent while southern Minnesota is thriving on its high-technology economy, he said.

When Republican Rep. Thomas E. Petri wants to check on economic conditions in his central Wisconsin district, a source of information is the cardboard box manufacturers in his district. "Believe it or not," Petri said, the boxmakers represent a good leading indicator of general activity because their orders reflect regional manufacturers' shipping plans for the next six months or so. And the boxmakers say that conditions now look "pretty good—real good," Petri said.

Terry F. Buss, director of the Center for Urban Studies at Youngstown State University and co-author of *Shutdown at Youngstown* (State University of New York Press, 1983), said the quality of life in Ohio's steel-making Mahoning Valley is "just sliding away." The steel industry is still sinking, and "most people don't expect it to come back," he said, and "we're not replacing the jobs that we lost with high-paying full-time jobs."

"This area does its best in an environment of very low inflation and very high aggregate demand," said a Federal Reserve Bank economist in Cleveland. "We've seen a lot of recovery here, but we haven't gotten back to what you would call a robust economy."

INDUSTRIAL REBOUND

A spot survey of Midwest manufacturers suggests that companies are registering a much better recovery than their workers are:

• At Winnebago Industries Inc. of Forest City, Iowa, "Things are going just terrific," said Frank Rotta, a company spokesman. Sales of Winnebago's motor homes for the past six months were up 93 per cent over the same period a year earlier, and profits were up 145 per cent. The company has built its labor force up to 2,500 from a recession low of 1,600 and is building two plants in the state, Rotta said. But the company's work force is still well below the peak of 4,000 of the early 1970s, before motor home sales were ravaged by skyrocketing oil prices.

• Deere & Co., the big maker of farm and industrial equipment based in Moline, Ill., posted a first-quarter profit of $1.9 million after losing $28.4 million in the year-earlier quarter. The turnaround was accomplished not through higher sales—which were up only 3 per cent—but through cost-cutting measures, including layoffs and early retirements. The company's nationwide work force has dropped from about 50,000 four years ago to about 32,000 now, a Deere spokesman said, with about 10,000 hourly workers still laid off and few being recalled. In the Quad Cities area around Moline, the spokesman said, Deere now employs about 11,000 but would normally employ 15,000. "I don't know what normal is any more," he added.

• At Beech Aircraft Corp., headquartered in Wichita, Kan., first-quarter sales were up 44 per cent over the first quarter of last year, earnings (which were not announced) were also higher and the work force is back up to about 9,000 after dropping to 7,200 in 1982. The improvement of Beech, a Raytheon Co. subsidiary, has been aided by Pentagon contracts for military planes and missile equipment. Even so, the company work force is below its 1981 peak of 10,700.

• Eaton Corp., headquartered in Cleveland, scored record first-quarter profits of $60 million as demand for truck and auto parts and for other machinery and electrical components soared. But its production plants are now scattered throughout the nation, and several local facilities have been closed, and so the company's success does not count as heavily here as it once did. Its total work force fell from 63,000 in 1979 to 40,000 last year, and only about 2,000 have since been added to the payroll.

In a rousing recovery, the jobless rate would drop while the number of jobs went up. That is not happening here.

Unemployment rates in the five Great Lakes states fell dramatically in the past year, by 3 or 4 percentage points in each state, indicating a strong recovery in regional manufacturing.

But only Wisconsin, with a jobless rate of 9.3 per cent in February, fell to a single-digit figure. The rates in the other states were still well above the national average rate, ranging from 10.1 per cent in Ohio to 12.6 per cent in Michigan. *(See table, p. 866.)*

Moreover, the size of the labor force also dropped over the past year in four of the five states, with only Ohio posting a slight gain, according to Bureau of Labor Statistics data.

The numbers show that even with a strong recovery under way, new jobs were not opening up in the Great Lakes region; instead, substantial numbers of laid-off workers regained their old jobs while other unemployed persons dropped out of the labor force.

In Indiana, for example, the number of unemployed persons dropped by 88,000 from February 1983—February 1984, but the number of workers increased by only 63,000. The other 25,000 disappeared from the labor force.

John E. Barnds, vice president and director of business analysis at the National Bank of Detroit, said the automakers have invested tens of billions of dollars in new automated plants and equipment. "They did not do that to hire back all the people who were there in the 1960s," Barnds said. "We don't believe that employment in the auto industry will ever go back to where it was."



An economist at the Federal Reserve Bank in Minneapolis says the Midwest's farm economy is characterized "by lower demand, lower prices, lower earnings and higher interest charges."

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The Midwest: A Guide to Its Politics and Its Economy

Here are key political and economic data for the 12 states in the Midwest. Included are the number of electoral votes in 1984, the number of victories for each party in the six presidential elections since 1960; the percentage of the vote for the Democratic and Republican candidates in 1980; the party affiliation of the governor, Senators and House Members; 1984 voting-age population (VAP), in thousands; 1980 percentage of voting-age population that are black and of Spanish origin; state unemployment rate in February 1984 (not seasonally adjusted) as measured by the Bureau of Labor Statistics; and 1982 per capita income, as measured by the Census Bureau.

	Pres. results 1960-80 D-R	1980 D-R		Govs. Party	Sens. D-R	House D-R	VAP	% VAP black	% VAP Hispanic	Unempl. rate	Per capita income
Ill. (24)	2-4	41.7%-49.6%		R	1-1	12-10	8,410	14.7%	5.6%	10.1%	$12,100
Ind. (12)	1-5	37.7	56.0	R	0-2	5-5	3,969	7.6	1.6	11.0	10,021
Iowa (8)	1-5	31.6	51.3	R	0-2	3-3	2,119	1.4	0.9	8.6	10,791
Kan. (7)	1-5	33.3	57.9	D	0-2	2-3	1,794	5.3	2.7	5.6	11,765
Mich. (20)	3-3	42.5	49.0	D	2-0	12-6	6,530	12.9	1.7	12.6	10,956
Minn. (10)	5-1	46.5	42.6	D	0-2	5-3	3,044	1.3	0.8	7.4	11,175
Mo. (11)	3-3	44.3	51.2	R	1-1	6-3	3,682	10.5	1.1	9.6	10,170
Neb. (5)	1-5	26.0	65.5	D	2-0	0-3	1,163	3.1	1.8	5.6	10,683
N.D. (3)	1-5	26.3	64.2	R	1-1	1-0	491	0.5	0.6	7.4	10,872
Ohio (23)	2-4	40.9	51.5	D	2-0	10-11	7,846	10.0	1.1	10.1	10,677
S.D. (3)	1-5	31.7	60.5	R	0-2	1-0	498	0.3	0.6	5.4	9,666
Wis. (11)	2-4	43.2	47.9	D	1-1	5-4	3,490	3.9	1.3	9.3	10,774
U.S. (538)	3-3	41.0	50.7	35-15	45-55	268-166	173,936	10.5	5.5	8.4	11,106

The Census Bureau has estimated that the five Great Lakes states lost a net of 1.2 million persons from 1975-80 as a result of out-migration: About 3.2 million left the area while about 2 million moved in, according to the survey.

Additional evidence of continuing economic pain is provided by the Mortgage Bankers Association of America, which reports that residential mortgage delinquency rates in the Great Lakes region are the highest in the nation.

At the close of 1983, the association said, 8.2 per cent of all residential mortgage loans were overdue in the five Great Lakes states, 2 percentage points above the national average. And in both Illinois and Ohio, the deliquency rate was higher at the end of 1983 than a year earlier. Illinois had the nation's highest delinquency rate, 10.5 per cent.

The seven Great Plains states, however, had an aggregate record of 5.2 per cent, a point below the national average.

FARMERS' PLIGHT

No account of the Midwest's economic health can exclude the region's farm economy, which an economist at the Federal Reserve Bank in Minneapolis said is characterized by "lower demand, lower prices, lower earnings and higher interest charges." Many farmers are still deep in debt and "just trying to hang in there hoping for something to break their way," he said. "The pressure is still on."

Farmers and their families account for less than 3 per cent of the nation's population, but their economic status has much to do with the health of the Midwest region in general and the Great Plains states in particular—and their export sales figure heavily in the nation's balance-of-trade account.

The price of wheat, a key indicator in the agricultural sector, provides little hope for a comeback. The projected price for this year's wheat crop is $3.50 a bushel, well below the 1980 price of $3.91, according to Richard Fritz, director of economics at the National Association of Wheat Growers. And in real terms, after accounting for inflation, Fritz said, this year's figure will be "the lowest price since the '30s."

Wheat prices are strongly affected by export sales, Fritz added, and "this year we'll be lucky if we get 1.4 billion" bushels of export sales, as compared with 1981 exports of nearly 1.8 billion.

Reagan lifted Carter's unpopular embargo on wheat sales to the Soviet Union, but exports of wheat and other crops have been held down by a variety of factors, including the high value of the dollar.

"The recovery has skipped agriculture, particularly in the dryland wheat areas," said Rep. Dan Glickman, D-Kan.

Davis Helberg, director of Duluth's port, a major export shipping point for the Midwest's crops and the West's coal, said, "I think we're looking for a good year, but we're certainly not looking to knock the top off the barometer." As always, he said, exports will be determined by two uncontrollable factors—world weather and world politics.

Evidence of the farmers' economic plight shows up in delinquency figures on farm loans. The Farm Credit Administration reports that on a national basis, 1.5 per cent of the one million outstanding loans failed in the past calendar year, putting some 15,000 farmers into liquidation, foreclosure or bankruptcy. Delinquency rates, for payments 90 days late or more, averaged 1-1.5 per cent.

These rates were higher than year-earlier figures, and further increases are expected this year, a spokesman for the agency said.

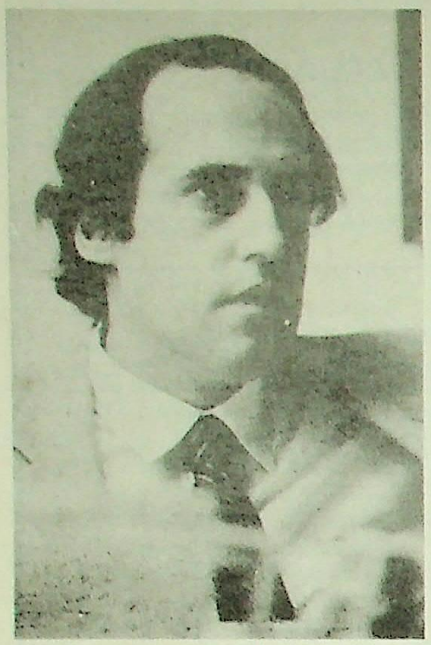
On an area basis, Federal Land Bank figures show that loan foreclosure cases at the end of 1983 in the St. Louis area totaled 57, up from 21 a year earlier; in the Omaha area, 177, up from 103; and in the St. Paul area, 651, up from 253.

The Farmers Home Administration, the lender of last resort to about a quarter-million small farmers, reported that loan failures nationally averaged 2.9 per cent of total loans in fiscal 1982 and 2.7 per cent in fiscal 1983, with the first-quarter report for the current year showing no change.

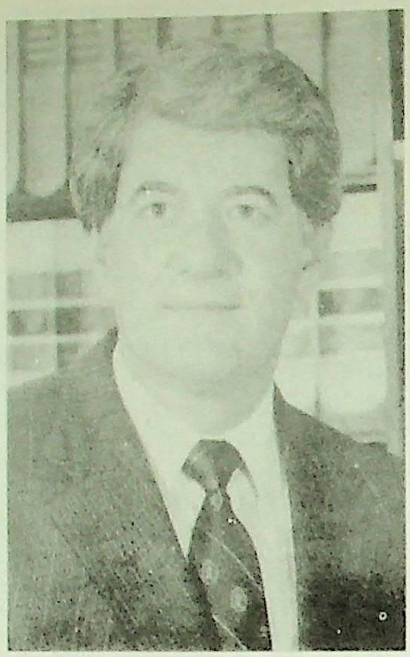
Delinquency rates, of 15 days or more, have doubled in the past four years, from 27 per cent of outstanding loans on Jan. 1, 1980, to 56 per cent on Jan. 1 of this year, a Farmers Home Administration spokesman said.

As for the farm machinery industry, "We think we've bumped bottom and are on a long road to recovery," said George S. Dahlman, who watches the farm equipment sector as vice president of Piper Jaffray & Hopwood Inc., a Minne-

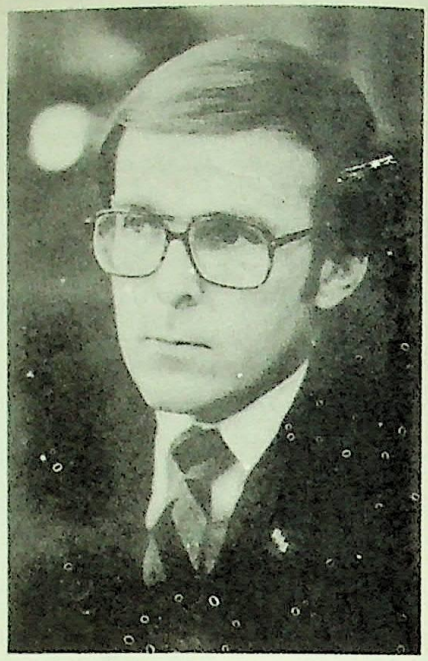
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Democratic Rep. Dan Glickman of Kansas believes that President Reagan "could carry the state right now, without question."



Republican Rep. Edward R. Madigan of Illinois expects President Reagan to win his congressional district "by a substantial majority."



Democratic Rep. Byron R. Dorgan of North Dakota concedes that despite the plight of wheat farmers, Reagan today would carry the state.

apolis brokerage firm. "It was so grim last year that anything would be an improvement," he said.

The major manufacturers have cut their work forces by 20-30 per cent since 1980, Dahlman estimated, and there is "frankly not a whole lot of hope for major recalls" of laid-off workers.

Retail sales of farm equipment, he said, have been slower than expected. "Everyone thought there would be a lot of PIK [federal payment-in-kind] money going into machinery," he said, but farmers have "still got a lot of debt to clear up."

Export sales of farm machinery have been hurt, meanwhile, by the high value of the dollar in relation to the Japanese yen. An aide to House Minority Leader Robert H. Michel, R-Ill., whose district contains the home base of Caterpillar Tractor Co., said of the yen-dollar relationship, "You mention that on the streets of Peoria and you'll strike up a conversation."

GOP ADVANTAGE

If recent history is any guide, a Democratic presidential contender cannot expect to pick up many electoral votes in this region. Starting with 1968, Republicans have cleaned up in the Midwest.

Richard M. Nixon won 10 of the 12 states in 1968 for the GOP, losing only in Michigan and Minnesota, home state of Democratic nominee Hubert H. Humphrey, and swept all 12 states in 1972, including South Dakota, home state of Democratic nominee George McGovern.

In 1976, Gerald R. Ford won 8 of the 12 states, with Carter taking Ohio, Wisconsin, Minnesota and Missouri. Four years later, Reagan won 11 of the 12, losing only in Minnesota, the home state of then-Vice President Walter F. Mondale.

Excluding Minnesota, which went Democratic in three of the past four presidential elections, not a single state in the Midwest has voted Democratic more than once since 1964, and 7 of the 12 states have voted Republican in each of the four contests.

Indiana, for example, has stayed in the GOP column and thus may not offer much of a contest this year. Edmund Mahern, an Indiana businessman who is helping to coordinate Mondale's campaign for the May 8 Democratic primary, said of his state: "There will be some states that the Republicans will leave alone, and some states that the Democrats leave alone. This will probably be one of the states that both parties leave alone."

But the region's three biggest electoral-vote prizes—Illinois, with 24, Ohio, with 23, and Michigan, with 20—could all be considered up for grabs. And lightning could strike elsewhere too: Indiana Democratic Party chairman Jerry J. Miller said that in the 1983 mayoral elections in his state, Democrats won 74 of 105 seats. "We can make this a Democratic state," he said.

In this 12-state region, Democrats hold a 62-51 edge over Republicans in House seats, after a pickup in the 1982 election; Republicans currently have a 14-10 lead in Senate seats.

Seven of those Senate seats are up this year, with five Republican and two Democratic incumbents running for reelection. The most important Senate race is probably the Illinois contest between Republican Charles H. Percy, chairman of the Senate Foreign Relations Committee, and Democratic Rep. Paul Simon.

The parties are split, 6-6, in governorships, after the Democrats scored well in 1982. Only three gubernatorial elections will be held in the Midwest this year, in Indiana, Missouri and North Dakota. Republicans currently hold all three posts, and so the GOP at best can only stay even.

One of the handicaps facing the Democrats in this region is the unhappy legacy of the Carter-Mondale Administration. Especially if Mondale is the nominee, the Democrats could be thrown on the defensive by GOP attacks on the Carter-Mondale years while the Democrats try to focus attention on what went wrong during Reagan's first term.

James M. Coyne, chairman of the Cuyahoga County (Cleveland area) Democratic Party and mayor for 37 consecutive years of suburban Brooklyn, was on hand to greet Mondale when the candidate came to Cleveland in early April.

Coyne played down Mondale's association with the mistakes of the Carter years. "Carter was the President, Mondale was the Vice President," he said. "The boss was Carter."

Noting that Hubert H. Humphrey, a

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loyal team player, "went down the drain" as the party's 1968 nominee after serving as Lyndon B. Johnson's Vice President, Coyne said Mondale would not be in the same situation because it is Reagan's record that will be up for review.

"It's not Carter versus Reagan," said Paul Costello, press secretary to Ohio Gov. Richard F. Celeste, who recently endorsed Mondale. "It's the future versus the past four years. . . . Reagan has done nothing for Ohio."

But Gerald J. Austin, a political consultant in Columbus who worked for the Carter-Mondale ticket in 1980, said that if Mondale is the nominee, "I think he'll be as successful as Hubert Humphrey was. If you close your eyes, he sounds like him."

"One of the cardinal principles in politics," Austin said, "is that whenever you're trying to knock off an incumbent, that incumbent has to be the target." Can Mondale, he asked, get away with saying that he "called in sick for four years" as Carter's Vice President?

CHANGING EXPECTATIONS

The Midwest is undergoing change, in localized spurts, but at what over-all rates and in which general directions no one seems to know.

Columbus, a white-collar, paper-shuffling center, has overtaken Cleveland as Ohio's biggest city.

Indianapolis, with its new domed stadium and sports-oriented development, is shooting for prosperity while the steel-mill towns of northwest Indiana are still reeling.

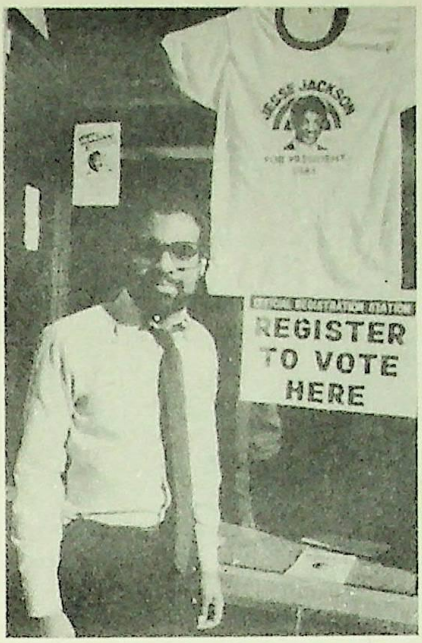
High-tech enclaves are sprouting in places such as Michigan's Ann Arbor, home of the University of Michigan, while Detroit-area unemployment remains well above the national average.

Minneapolis-St. Paul, home base of information-age firms such as Control Data Corp., Cray Research Inc. and Minnesota Mining and Manufacturing Co., is prospering while the taconite mines to the north remain in a slump.

Jim Hagan, a pro-Mondale labor organizer with roots in Youngstown and Cleveland who is now stationed in Columbus, said of the change of scene, "It's like the Sunbelt."

But as Detroit banker Barnds observed, the growth of new information-based industries offers little comfort to someone who lost a well-paying job as a machine operator on a Chrysler Corp. assembly line. "There aren't that many of the high-paying jobs around" now, he said, and sooner or later the message sinks in that the only choice may be between a lower-paying job or nothing.

The University of Michigan's national surveys of consumer confidence continue



Cleveland City Council member Mike White, a co-chairman of the Jackson campaign in Ohio: "Jesse Jackson is not going to go away."

to register healthy indications of economic prospects, Barnds said, although there is a steady gap between high-paid and low-paid respondents, and the data for Michigan show a lower level than the national average.

While the Midwest manufacturing base is undergoing change, the increased use of high-tech equipment and even of basic machine tools that are manufactured outside of the region represents a double shock, a Federal Reserve Bank of Minneapolis economist suggested, because this equipment displaces local labor and little of it is made locally.

Republican Rep. Edward R. Madigan, who represents a mixed farming and industrial district in central Illinois, said conditions in some industrial cities are "pretty rough" because many industries have moved out of the region.

There is strong potential support within the Midwest for protectionist policies to ward off foreign goods—for example, through domestic content legislation covering the auto industry. But as Madigan noted, the Midwest is also export-oriented, with overseas sales of midwestern crops and agricultural equipment—and even parts for foreign autos, he said—propping up local economies. Madigan said the message he hears from his district is, "Let's not get involved in any trade wars."

But politicians of both parties recognize that something must be done to plan for the region's future.

"If we're losing some of our older industries," said Rep. Mary Rose Oakar, D-Ohio, "then we've got to think of some new horizons."

Oakar, who represents a Cleveland-area district, said in a recent interview that none of the Democratic candidates had yet put forth a credible program for reviving the industrial Midwest, for taking advantage of the Great Lakes "North Coast" natural resources and for equipping dislocated workers for new jobs.

The Democratic nominees "have to address the problems of unemployment and training," she said. "And if they don't do that, they're losing their long-term position against Reagan."

ELECTION OUTLOOK

Republican Madigan said that in a Reagan-Mondale race, he would look for a much closer contest than in 1980's Reagan-Carter contest because of labor support for Mondale. Nevertheless, he said, "I would still expect that Mr. Reagan would carry my district by a substantial majority."

Democratic Rep. Dorgan of North Dakota likewise conceded that despite the plight of the wheat farmers, Reagan today would carry the state.

And Democratic Rep. Glickman of Wichita, saying his part of Kansas is doing better than most of the Midwest because of heavy defense contracts—some 15,000 persons are working at the Wichita plant of Boeing Co.—said, "Reagan could carry the state right now, without question."

If Illinois, Ohio and Michigan—and perhaps Missouri—look like the best prospects for the Democrats this fall, the big wild card here as elsewhere might be Jesse Jackson's candidacy and the ultimate size of the black vote.

Cleveland City Council member Mike White, a co-chairman of the Jackson campaign in Ohio, talked of the Jackson candidacy at campaign headquarters here between phone calls. ("Could we get a large hall?" he asked over the phone, while trying to set up a Jackson visit to a Ford Motor Co. plant. "Could we do what has to be done to pack it?")

"Jesse Jackson is not going to go away," said White, who describes himself as "a politician first and foremost." He said Jackson was creating a major political force that will have unexpected impact.

Nobody can say now what that impact will be. But Cuyahoga County Democratic chairman Coyne, who has been in political campaigns since the 1940s, called Jackson's candidacy "one of the best things to happen to the Democratic Party." Coyne, a Mondale fan, said, "I feel very confident when it comes to November" that the black vote will be a big plus for the Democrats. □

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Campaign Report 1984

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Campaign Report 1984

The West is Reagan Country, Giving The Democrats Little Hope in 1984

Democrats who have been successful at the local and state levels in the region say the national party should work harder to appeal to the middle ground.

BY RONALD BROWNSTEIN

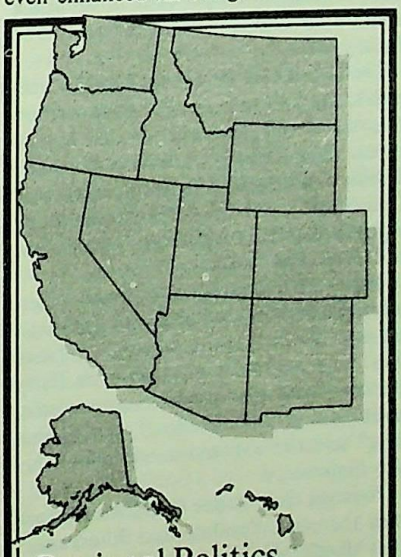
SEATTLE—This beautiful city is about as far as you can get from Washington, D.C., in the continental United States—2,320.22 miles away to be precise. And on a crisp spring day, when the Puget Sound glistens beneath ships bound for the Far East, and the snowcapped Olympic Mountains loom stark and austere beyond the skyscrapers, it feels at least that far. The political struggles in the nation's capital seem vague and distant.

Yet the hand of the federal government reaches even here. For decades, the federal Bonneville Power Administration has been fueling the state's economic growth with low-cost electricity from dams that are along the Columbia River. In 1983, the Defense Department let prime contracts worth almost $4 billion in Washington, more than in all but eight other states. Military installations dot the state and boost its economy; in April, the Navy decided to build a new base in Everett that will provide $200 million in construction work and eventually house 10,000 people. Boeing Co., the state's largest private employer, is the largest recipient of loan guarantees from the Export-Import Bank of the United States. For every dollar the state paid in federal taxes in 1982, it received $1.06 in federal expenditures.

Washington can be receptive to politicians selling the message that the federal government is out of control. But the state's prosperity has been built in large measure on federal largesse funneled here by its powerful former Democratic Senators, Warren G. Magnuson and the late Henry M. Jackson.

This basic contradiction, in large part, sets the ground rules for politics in the West. The region favors politicians who are perceived to be independent from the Washington bureaucracy but who know their way through it well enough to bring home federal dollars.

During the past four years, Ronald Reagan has managed to straddle both sides of this fence. Despite his term in the capital, he has maintained and perhaps even enhanced his image as an outsider riding herd on the bureaucracy; after four years of running the government, he is likely to run against it this fall.



Regional Politics

This is the last of four articles on regional politics and their impact on the presidential election. *(See NJ, 4/14/84, p. 717; 4/21/84, p. 763; 5/5/84, p. 864.)*

"The West is generally conservative and puts a high priority on independence of a candidate," said Sen. Jeff Bingaman, D-N.M. "Reagan has been able to persuade people here that he does have that degree of independence." Equally important, Reagan has nurtured the kind of federal spending on which the West depends: water projects from the Interior Department's Bureau of Reclamation and defense contracts from the Pentagon.

This record makes it highly likely that the West will remain Reagan country in 1984. In 1980, Jimmy Carter carried only Hawaii among the 13 western states. In only a few states do the Democrats have any prospects for improving on that, and in none is Reagan an underdog.

If the nominee is Walter F. Mondale, whose campaign is built upon support from largely eastern constituency groups, the Democrats' problems in the region will be even more formidable, according to many western politicians. "Mondale's great strength is his ties to the base constituencies of the Democratic Party," said Rep. Dick Cheney, R-Wyo. "And these groups don't carry a very big stick in traditional western politics."

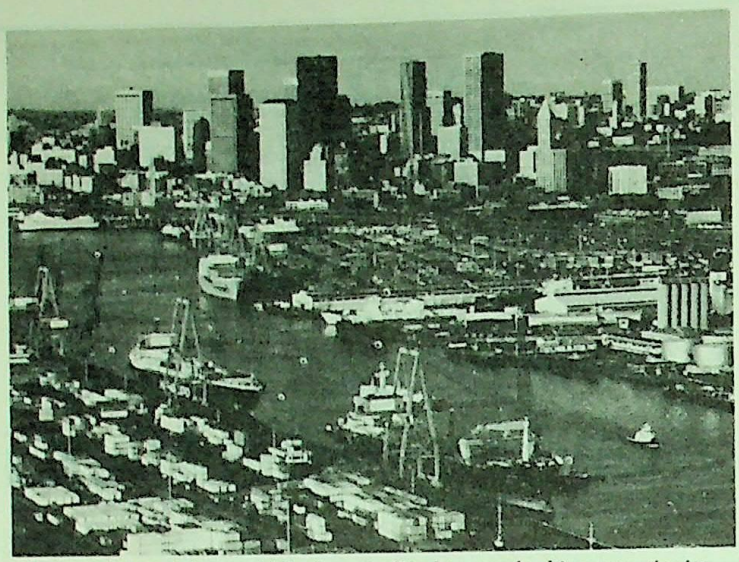
Those groups' support, which Reagan and Gary Hart have labeled special interests, could hurt in parts of the West. "The way he has been tagged with that [special interest] label hurts his ability to get votes out here," Bingaman said.

Democrats in the region say their record of winning races for governor and Senator in the West demonstrates that

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there is potential for the party here. And they say the national party has to begin working harder to exploit those openings.

"The Democratic Party has been an eastern-based party. They just write us off," said Karen Marchioro, chairwoman of the Washington State Democratic Party. "But if we can't find some way to establish ourselves out here [in the West], we are going to die. You can't have a region of the country that is growing like this and write it off year after year."



Walter F. Mondale would be hurt in Washington by his protectionist sympathies on trade issues. The state, with its huge port in Seattle, is heavily dependent on exports.

GOP TERRITORY

That growth is reflected in the increased number of electoral votes the region controls. In the 1984 election, western states will have 111 electoral votes, nine more than they had in the 1980 election, and 30 per cent more than they had in 1960.

The Reagan camp's optimism that it can capture virtually all those votes stems from the economic, political and demographic roots of the region. In many ways, the West is arid territory for national Democrats.

In this century, the West has voted for the Republican presidential candidate 13 times and the Democrat 8 times. But in the eight elections since 1952, the Republicans have carried the West seven times, always overwhelmingly. Only Lyndon B. Johnson won the West during that period. In the four elections since then, the Democratic presidential candidate has carried only four states: Hawaii in 1968, 1976 and 1980 and Washington in 1968. *(See table, p. 931.)*

As the party of the disadvantaged, the Democrats have a somewhat smaller constituency to draw on in the West. Of the 13 western states, only 3—Arizona, Idaho and New Mexico—have poverty rates higher than the national average. Only New Mexico—which may be the most promising state for Democrats this fall—has a rate significantly higher than the national average. Arizona and Idaho don't offer much hope for the Democrats in November.

Only 4.9 per cent of the voting-age population in the West is black, less than half the national average. Hispanics are more plentiful in Arizona, California, Colorado and New Mexico, but they are only beginning to develop political clout. "I can't say we have power yet commensurate with our numbers," said California state assemblywoman Gloria Molina, chairwoman of the Hispanic legislative caucus. "But we are at the point where that is turning around." *(See box, p. 933.)*

Unions have a presence in only about half the western states, and even there they are slipping. Only in seven states—Alaska, California, Hawaii, Montana, Nevada, Oregon and Washington—is more than 20 per cent of the work force unionized. Union membership is dropping fastest in the most heavily unionized western states. Nationally, the percentage of the work force represented by unions fell by 18 per cent during the 1970s. But in that time, the percentage declined by 35 per cent in Nevada, 29 per cent in Oregon, 26 per cent in Montana and 24 per cent in both Washington and California.

Despite all these factors favoring Republicans, Democrats have done well on the state level, particularly in governors' races. Though the governors of the three Pacific Coast states now are Republicans, Democrats hold the state house in all eight of the Rocky Mountain states and in Hawaii and Alaska.

But these Democratic governors generally are not cut from the same mold as the national Democratic candidates. "There is a deep gulf in the Democratic Party between the westerner who's a successful politician on the state level as a Democrat" and the national candidates, Cheney maintained.

Arizona Gov. Bruce E. Babbitt agreed that there are "philosophic differences" that divide western and eastern Democrats. "The Democratic Party in the West, the heart of this Democratic Party, is really rather different from the national Democratic Party," he said. "Most of us who win on the state level in the West are more centrist on fiscal issues. . . . The perception that national Democrats are not serious on fiscal limitations" hurts them in the West. On international issues, Babbitt said, western Democrats tend to fall "in the Scoop Jackson wing of the Democratic Party" that is, opposed to policies on arms control and international affairs that suggest "isolationism and unilateralism."

Western Democrats also believe that the party must tell its constituent interest groups that "we are willing to risk an occasional collision with you" on policies that benefit the broader public, he said.

Montana Gov. Ted Schwinden, a Democrat, agreed that to do well in the West, the Democrats must spend less time with leaders of constituent groups and more time with voters. "Democratic state and local officials in Montana still listen to people," said Schwinden, who maintains a listed phone number so voters can call him directly. "There is a real tendency on the part of the national Democratic leadership to listen to people who purport to represent people; there are always people who purport to speak for what working people want or women want. The Democratic leadership listens to what they want to hear, instead of what real people tell them."

The most liberal of the western Democratic governors, Toney Anaya of New Mexico, agrees that Democratic presidential candidates must "command the middle ground. . . . If they are perceived as being liberal, they have two strikes against them in the West." But Anaya warned that moving too far to the right would hurt the party. "I'd hate to see the Democratic Party move too far in that direction [because] there is no way you are going to pull the real conservatives away from Reagan," he said.

Since Carter's defeat, the Democratic National Committee has tried to bring the western officials into the fold. The Democratic presidential candidates finished their fund-raising swing through the country last December in Albuquerque, offering the governors a chance to give them an earful.

"We're a noisy and outspoken minority," Babbitt said. "It is an uphill struggle. A speech I give in the mountain West

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The West: A Guide to Its Politics and Its Economy

Here are the key political and economic data for the 13 states in the West. Included are the number of electoral votes in 1984, the number of victories for each party in the six presidential elections since 1960; the percentage of the vote for the Democratic and Republican candidates in 1980; the party affiliation of the governor, Senators and House Members; 1984 voting-age population (VAP) in thousands; 1980 percentage of voting-age population that are black and of Spanish origin; state unemployment rate in February 1984 (not seasonally adjusted) as measured by Bureau of Labor Statistics; and 1982 per capita income, as measured by the Census Bureau.

	Pres. results 1960-80 D-R	1980 D-R		Govs. Party	Sens. D-R	House D-R	VAP	% VAP black	% VAP Hispanic	Unempl. rate	Per capita income
Alaska (3)	1-5	26.4%	54.3%	D	0-2	0-1	345	3.4%	2.1%	13.1%	$16,257
Ariz. (7)	0-6	28.2	60.6	D	1-1	2-3	2,200	2.5	13.3	5.7	10,173
Calif. (47)	1-5	35.9	52.7	R	1-1	28-17	19,063	7.1	16.1	8.8	12,567
Colo. (8)	1-5	31.1	55.1	D	1-1	3-3	2,365	3.2	9.8	5.6	12,302
Hawaii (4)	5-1	44.8	42.9	D	2-0	2-0	755	1.9	6.0	5.6	11,652
Idaho (4)	1-5	25.2	66.5	D	0-2	0-2	681	.3	3.2	8.6	9,029
Mont. (4)	1-5	32.4	56.8	D	2-0	1-1	591	.2	1.0	9.9	9,580
Nev. (4)	2-4	26.9	62.5	D	0-2	1-1	689	5.3	5.8	8.5	11,981
N.M. (5)	2-4	36.7	54.9	D	1-1	1-2	997	1.7	33.1	8.8	9,190
Ore. (7)	1-5	38.7	48.3	R	0-2	3-2	1,961	1.2	2.0	10.9	10,335
Utah (5)	1-5	20.6	72.8	D	0-2	0-3	1,040	.7	3.6	8.0	8,875
Wash. (10)	2-4	37.3	49.7	R	0-2	5-3	3,202	2.4	2.3	11.8	11,560
Wyo. (3)	1-5	28.0	62.6	D	0-2	0-1	365	.7	4.4	6.5	12,372
U.S. (538)	3-3	41.0	50.7	35-15	45-55	268-166	173,936	10.5	5.5	8.4	11,106

to audiences that are applauding, I find that east of the Mississippi is being booed half the time and applauded half the time."

Babbitt's experience suggests that the real question facing the Democrats is whether they can find a candidate who displays the independence to attract western voters while still maintaining the loyalty of predominantly eastern constituency groups such as labor and minorities. A major reason for the success of western state Democrats is that they have stressed issues such as fiscal austerity and reduced regulation that a Democratic presidential candidate and his eastern supporters would find difficult to embrace.

To some extent, Hart has emulated this strategy in fashioning his attack on special interests. "The western primaries suggest this schizophrenia in the party is pretty real," Babbitt said. "Hart is perceived here as a person who raises the issues . . . of concern to a lot of people in the West."

THE REAGAN RECORD

Making the Democrats' task even tougher in November is Reagan's record on issues of particular importance to the West. Reagan, who was the first President to take the oath of office on the western side of the Capitol, has continued to look kindly on the region.

Throughout this century, water has been the coursing heart of western politics. Jimmy Carter got off on the wrong foot with the West just three months after taking office when he proposed to eliminate funds for a "hit list" of 18 western water projects that he said were wasteful. "Carter severed his umbilical cord to the West when they announced the water project hit list," Schwinden said. "They spent the next four years trying to recover and never did."

Carter's relations with the West soured even further as the vaguely defined Sagebrush Rebellion, fueled largely by energy and mining companies eager for greater access to resources on public lands, clashed with the environmentalists holding key positions in the Carter Administration. Many politicians in the region think the Carter record will be a heavy burden for Mondale to carry in the West, if he is the nominee.

Reagan's record on water is mixed. Western water users had hoped that new water projects, which have been stalled since the mid-1970s, would take off under Reagan, but the Administration has requested funds for only one new dam. Still, the Administration has managed to stay on the right side of the water issue.

"Reagan is not perceived as being an enemy of Colorado, but in terms of Colorado he has been even more opposed to federal assistance on water projects than Carter," said Rep. Hank Brown, R-Colo. "The difference is that it has been done in terms of controlling federal spending, not carrying out a vendetta."

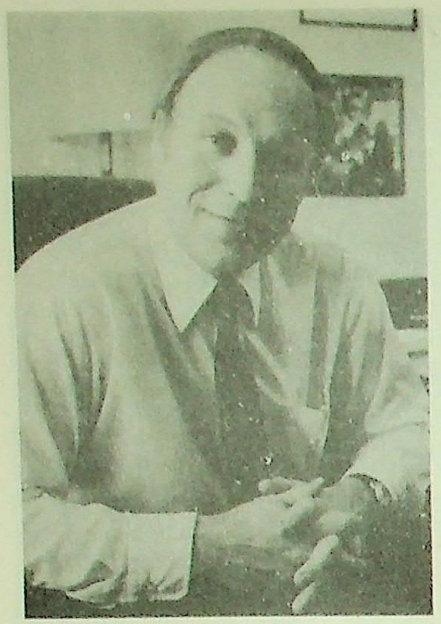
Another difference is that Reagan has increased the budget for western water projects at a time of deep budget cuts in other programs. From 1981-85, outlays for the Bureau of Reclamation, which constructs water projects in 17 western states, grew by 7.7 per cent in constant dollars; outlays for the Army Corps of Engineers, which builds water projects primarily in the East, dropped over the same period by 31.3 per cent.

Reagan's actions on cost sharing also have pleased water users. After receiving a letter from 15 western Republican Senators warning that a plan to require a 35 per cent local contribution to water projects could result in the Administration being "painted as anti-water in the 1984 election campaign," Reagan scrapped the plan last January.

Increases in defense spending should also help Reagan in the West. In fiscal 1984, the western economy will be buoyed by $39.8 billion in nonprocurement defense expenditures, more than in any region except the South. The Pentagon spent another $26.6 billion on procurement in the Pacific states and $3.9 billion in the Mountain states in fiscal 1983.

Less clear cut is the electoral impact of Reagan's environmental policies. By the time Interior Secretary James G. Watt resigned under pressure last October, "clearly he had become a liability here in the West," Schwinden said. Even with his departure, "we have to be hitting very heavy on James Watt, the James Watt policies on coal leasing, wilderness areas, lack of any water policy, and the environment," Anaya said.

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Republican Rep. Dick Cheney of Wyoming: "Mondale's great strength is his ties to the base constituencies of the Democratic Party. And these groups don't carry a very big stick in traditional western politics."

But Republicans and many Democrats say the environmental issue, which is a determining factor for only a small number of voters, has lost its edge since Watt and Environmental Protection Agency administrator Anne McGill Burford were forced from office. Cheney said that many westerners have found the Interior Department easier to work with under Reagan and that "the people who would vote against Reagan because of Jim Watt would have voted against Reagan anyway."

One exception may be in California, where opposition to Watt's efforts to expand offshore oil drilling was fierce and bipartisan. "Environmental issues attract voters, many of whom for historical reasons consider themselves Republicans," said Rep. Henry A. Waxman, D-Calif. But this issue will be muted not only because Watt and Burford are gone but also because the next major offshore lease sale—which will draw opposition from Republicans living in the beachfront communities—is not scheduled until after the November election.

STATES OF OPPORTUNITY?

Laid atop the economic and political foundation in the region, Reagan's record leaves him standing tall in the West. In only a few western states do Democrats expect to offer much of a contest, and in none of those states is the outlook clear.

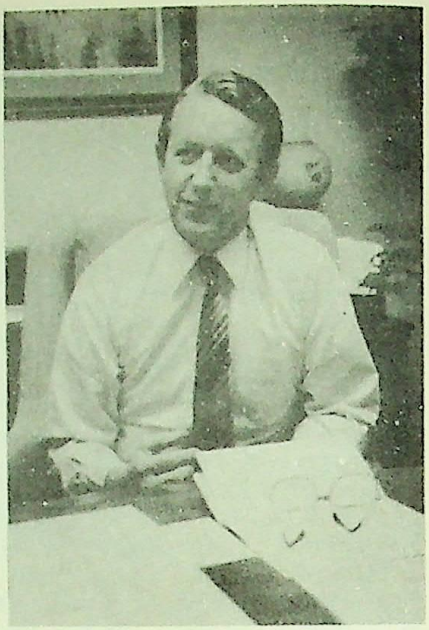
With 47 electoral votes, California is the prize in the region. But that state twice elected Reagan governor, backed him in the 1968, 1976 and 1980 Republican primaries and gave him a crushing victory over Jimmy Carter in the 1980 election. Reagan is a politician made for California. "This is a state in which entertainment figures are revered, a state which was a leader in the strong conservative swing of the past decade and a state, more than any other, where television plays a major role in political campaigns," said Democratic Lt. Gov. Leo T. McCarthy.

Sizing up the political drift of a state that could replace a Gov. Reagan with Edmund G. (Jerry) Brown Jr. and then replace the eclectic and visionary Brown with the low-key and starched George Deukmejian is obviously not easy. Though Republicans Deukmejian and Pete Wilson won striking 1982 victories in their races for governor and Senator, Democrats hold all five of the other statewide partisan offices and clear majorities in the state Legislature and congressional delegation.

If anything, the California electoral mix appears to be growing even more volatile. As the state's economy grows more dependent on services and high-technology industries and as the generation that grew up on radical politics in the 1960s enters the political system, "there is a whole new voting bloc out there that's getting larger, that doesn't identify with either Democrats or Republicans," said Robert T. Monagan, president of the California Manufacturers Association and former minority leader of the state Assembly. That change may be reflected in the significant support Hart has drawn from computer entrepreneurs in Silicon Valley.

Amidst this uncertainty are some strong positive signs for Reagan. California tends to vote Republican in presidential elections; Johnson is the only Democrat to have carried the state since 1952. And Californians are feeling better about Reagan. In February, according to the Field Institute's California Poll, Reagan received a 53 per cent excellent/good rating in the state and only a 20 per cent poor rating, his best showing since the fall of 1981.

Californians also appear to be feeling better about the economy—with good reason. In February, 55 per cent of those polled by Field said their personal financial situation was better than a year ago. Propelled by increased defense spending, a real estate boom and rapid growth in service industries, California's economy is soaring and is not expected to descend before the election. "Right now the economy is as strong as any time I have seen it in the last 10 years," said Michael S. Salkin, vice president and senior economist for Bank of America NT&SA.



Democratic Lt. Gov. Leo T. McCarthy of California: "This is a state in which entertainment figures are revered, a state which was a leader in the strong conservative swing of the past decade. . . ."

Despite the strong economy in California, Reagan is not far ahead in the early polls. The latest Field poll in mid-April found Reagan tied with Hart at 48 per cent and, at 52 per cent, leading Mondale by only 8 points.

To make a serious run at Reagan in the fall, California Democrats will have to lure back blue-collar voters who backed him in 1980, attract the high-tech types who tend to be skeptical of Reagan's social agenda and significantly increase minority turnout.

Minority votes alone will not be enough to put Democrats over the top in California. In 1980, about 1.9 million blacks and Hispanics were eligible but did not vote in California, where Reagan's margin was 1.4 million votes; turning out that many new voters next fall would be extremely unlikely.

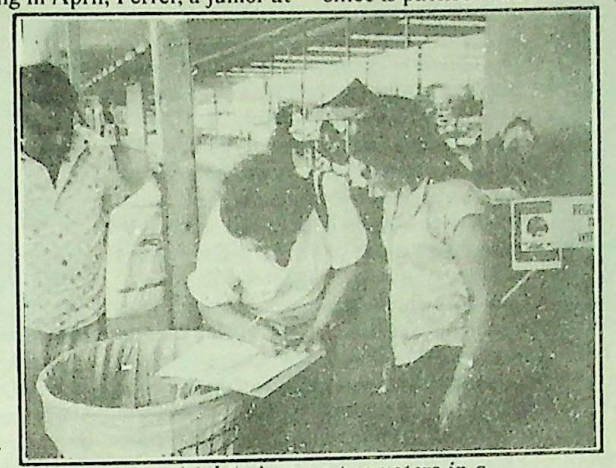
Moreover, the percentage of black voting in California is already high, though the Jesse Jackson campaign there says it is signing up thousands of new voters. And even if the Hispanic registration increases, Reagan may do reasonably well among those voters. In 1982, Deukmejian received 26 per cent of the Hispanic vote. And Field polls reveal California Hispanics to be significantly more conservative than blacks. In 1982 polls, more Hispanics labeled themselves conservative than liberal (unlike blacks), and a majority of Hispanics disagreed with the statement that women and minorities should receive "special treatment in getting jobs and places in college."

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Attention, K mart Shoppers

LOS ANGELES—Politicians of all stripes are talking about registering millions of new voters this year, but 16-year-old Judith Ferrer knows that the only way to sign them up is one by one. She knows another thing: it takes a long time to get to one million that way.

On a bright Saturday morning in April, Ferrer, a junior at a local high school, is standing outside a K mart in a predominantly Hispanic section of East Los Angeles trying to register voters. Ferrer has set up a bright blue ironing board and a few signs to catch their eye. She delivers a smooth pitch with equal enthusiasm in Spanish or English.



Judith Ferrer (right) signs up two voters in a predominantly Hispanic section of East Los Angeles.

Most shoppers rush by Ferrer and her partner, Rose Ramirez, without breaking stride. "I don't like to vote," said a young man sporting a Dodgers' cap as he bolts by. "I let others do my voting for me," a woman tells Ramirez. Most demur for another reason: they are not yet citizens.

Finally, Ferrer signs up Sebastian Gania from Los Angeles who registered Democratic. A few minutes later, she corners Esidro S. Hernandez and registers both him and his wife, Inez, over a trash can. "There are a lot of things I want to set straight," said Esidro Hernandez, a retired carpenter who also registered Democratic. Hernandez said that he is unable to work because of an accident and that his social security disability payments have been cut. "They want to take that medicare out and that social security out and that hurts me," he said. "The poor people, they need it."

By the end of the afternoon, Ferrer and Ramirez had signed up 40 voters. Over all that day, volunteers for the 1984 East Los Angeles Voter Registration Project added 738 names to the rolls.

The project is one of several similar efforts around the country sponsored by the Southwest Voter Registration Education Project. It is also one of several voter registration efforts in California: the state Republicans talk about signing up a million voters but would be happy with even half that; the state Democrats are looking for 400,000 new voters, and the Jesse Jackson campaign says it has registered 300,000 new voters. *(See NJ, 3/3/84, p. 404.)*

The East Los Angeles project has more modest goals. It began on Feb. 25 with a goal of signing up 40,000 voters and a budget of $35,000 from the Southwest project; Victor Griego, the East LA project director, figures that will take them through August, when they will have to raise more.

Given that budget, Griego relies not on computers but volunteers, and on this Saturday morning, the project's small office is packed with students, union members and members of community organizations. Elected officials such as Democratic Rep. Edward R. Roybal, whose district includes East Los Angeles, and Los Angeles Mayor Tom Bradley help out by registering voters themselves for a morning.

On this day, the guest official is 27-year-old Larry Gonzalez, the first Hispanic elected to the board of the Los Angeles Unified School District. Gonzalez is an apt choice. Most people think about voter registration in terms of presidential politics, but Larry Gonzalez, who won a difficult local race on the strength of Hispanic votes, is really what it is all about.

"We're not only looking to the federal government," he said. "Many of this community's problems can be solved on the local level. They will only be solved if we register people to vote and get them out to vote."

Politically, Hispanics in California still have a long way to go. There are no Hispanics on the Los Angeles City Council or the Los Angeles County Board of Supervisors and only 7 in the 120-member state Legislature. "For too many years there was a lot of apathy in this community because they never saw the results of their vote," Gonzalez said. "[But] now . . . with the number of registered voters we have we can start electing people from our community."

But this takes time, money and long afternoons from volunteers such as Ferrer. And all that is in short supply. Outside of the East LA project, Hispanic voter registration drives in California have not taken off this year.

Potential voters who are unregistered don't have much influence over elected officials, Gonzalez said. "The only way we are going to sensitize the other members of the school board to our problems," he told the project's volunteers a few moments before they packed up their ironing boards and headed for the K marts and Safeways and Newberrys of East Los Angeles "is with votes."

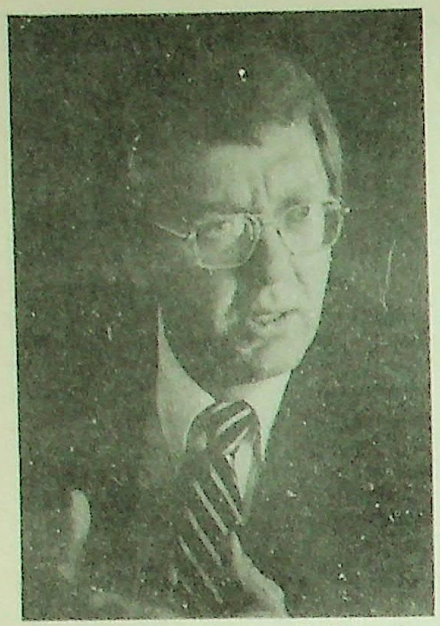
THE REST OF THE WEST

New Mexico is another state where Hispanic votes will be critical. Reagan carried the state easily in 1980. But this year, Democrats believe they have a chance in New Mexico, though, clearly, as Anaya said, it will be "tough" to beat Reagan there.

In 1982, a revitalized state Democratic Party mounted a strong effort that elected a liberal ticket led by Anaya and Bingaman. In that election, Democrats scored well among Hispanics. But Reagan should make inroads in the Hispanic vote here, too. In a recent statewide poll by Zia Research Inc., Reagan trailed Mondale only 53-37 per cent among Hispanics. Over all, Reagan led Mondale, 53-39. Hart ran stronger, leading Reagan, 49-42, among the general population and two-to-one among Hispanics. Republican Sen. Pete V. Domenici, who is up for reelection this year, receives a 75-80 per cent approval rate in Zia polls and is not now considered vulnerable.

Washington and to a lesser extent Oregon may also offer some opportunity for Democrats. Unemployment in both states is stuck at double-digit levels. "The economy is improving but still weak," said Oregon's Republican Gov. Victor G. Atiyeh. Though union membership is dropping, Washington is still more unionized than Illinois. And the Republicans elected in both states are moderates—Senators such as Slade Gorton in Washington and Mark O. Hatfield, who is up for reelection this year in Oregon.

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Democratic Gov. Bruce E. Babbitt of Arizona says that "the Democratic Party in the West, the heart of this Democratic Party, is really rather different from the national Democratic Party."

Both states, though, will be very difficult for the Democrats. Polls done for Democratic congressional candidates have found that although voters in both states object to Reagan's environmental, Central America, defense spending, arms control and domestic spending policies, his approval rating is 55 per cent. And Oregon has voted Republican in presidential elections 15 times this century, more than any other western state.

"When [Oregon voters] look at Mondale and look at the President, while they have some problems with Reagan, I think they will say, 'Let's stick with the President a little longer,' " Atiyeh said.

In Washington, the situation is more complicated. Republicans now hold both Senate seats and three seats in the House delegation and have incumbent Gov. John D. Spellman, a low-profile bureaucrat, running for reelection. "That overdramatizes a change that has been taking place for 20 years in the state," Gorton said. "The Republican base has been gradually increasing."

In 1980, the Democrats lost control of both houses of the state Legislature but reclaimed both chambers in 1982. "We had been living on our past laurels," said state Democratic chairwoman Marchioro. "Magnuson and Jackson carried us along all those years. Now we have passed the torch at long last and are running a lot of new people for state office and Congress."

State Republican chairwoman Jennifer B. Dunn also has reason for optimism. The Republicans will have twice as much money as the state Democrats, have attracted a large number of women to run for state office and could benefit from conservatives coming out to vote for a ballot initiative to cut the state sales tax and limit state expenditures. Sponsors are now collecting signatures to place the initiative on the ballot.

Spellman will face either State Sen. Jim McDermott, whom he defeated decisively in 1980, or Pierce County executive Booth Gardner, a wealthy former businessman who Dunn believes would be a tougher opponent. Dunn said Spellman's prospects are looking up. But Republican polls find a large number of voters are still undecided. "The comment is: 'Do you want a governor who is an administrator or a leader?' The answer could go either way," Dunn said.

Generally, Washington Republicans looking toward the presidential race in Washington have been encouraged by last fall's special Senate election in which former Gov. Daniel J. Evans defeated liberal Rep. Mike Lowry, who ran a sharp anti-Reagan campaign. But state politicians caution against reading too much into that result. For one thing, Lowry's campaign was sunk by outside events: the bombing of the marine base in Lebanon and the invasion of Grenada, which produced a wave of support for the President. For another, Evans is probably the most popular politician in the state, a moderate whose three terms as governor are fondly remembered. "Lowry did amazingly well," Dunn maintained.

The prevalence of liberal Republicans and the strong vote for John B. Anderson in 1980 in Oregon and Washington suggest that in both states Gary Hart could do well. Polls conducted for congressional Democrats in both states consistently find Hart running even or up to 10 points ahead of Reagan, while Mondale trails the President by 15-20 points.

Mondale would be hurt in Washington by his protectionist sympathies on trade issues. The state is heavily dependent on exports; more than 26 per cent of the state's manufacturing jobs are directly linked to exports, more than in any state but Alaska.

"All the leadership groups in this state—academic, business, governmental—are pretty much of one mind: that international trade is vital to the state and that protectionism of almost any sort is bad for the state of Washington," said George E. Taylor, president of the Washington Council on International Trade, a business and labor group. "You could almost say that a job saved in Michigan is a job lost in Washington."

Democrats' prospects in other western states are even worse, except for Hawaii,



Washington Republican Party chairwoman Jennifer B. Dunn is optimistic about the chances of GOP candidates in state and local races and is also encouraged about the presidential election.

which has backed Democrats in five of the six presidential elections since it became a state. Montana, which has a strong union history, a powerful environmental movement and 10 per cent unemployment, may hold some promise, but Reagan walloped Carter there.

And Reagan remains popular in Montana. Polls done last fall for Democratic Sen. Max Baucus, who is up for reelection this year, found a 61 per cent approval rate for Reagan, 1 percentage point higher than Baucus's approval rating. Schwinden is also up for reelection and, like Baucus, is a strong favorite.

The rest of the West is solidly Republican. If Hart can pull out the nomination, Colorado could also become Democratic territory, but even that would not be a sure thing. Polls this spring found Hart trailing Reagan slightly there.

Nothing better symbolizes the depth of the Democrats' difficulties in the West than Reagan's strength on Hart's home turf. "It is unlikely that much can be done in the short-term" to improve Democratic prospects, Babbitt said. "The longer-range question is whether Democrats can produce candidates that construct this bridge [between the East and West]. The question is: how do we bridge back into the progressive center, simultaneously keeping the allegiance of our traditional base while making a broader appeal to the common good?"

In the West, the likely answer this fall will be that the Democrats have not yet mastered that balancing act. □

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Le Congrès et la démocratie indienne

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La fin d'un « parti-Etat » ?
Le Congrès et la démocratie indienne

Christophe Jaffrelot
Chargé de recherche au CNRS (CERI)

Le parti du Congrès s'est vu refuser le titre de parti dominant par la plupart des spécialistes, qui soulignaient volontiers que cette formation n'avait jamais remporté une majorité des suffrages - son meilleur score se situant à 48,1 % en 1984 *(voir le tableau ci-dessous)* - et qu'il n'avait monopolisé le pouvoir qu'au cours d'une brève période, bien des Etats de l'Union indienne lui échappant dès les années soixante[1]. Néanmoins, ce parti appartient au groupe restreint des formations ayant exercé le pouvoir pratiquement sans interruption pendant près de cinquante ans dans un cadre démocratique[2].

Scores, en voix et en sièges, réalisés par le Congrès aux élections générales de 1952 à 1991

Années	1952	1957	1962	1967	1971	1977	1980	1984	1989	1991
% des suffrages exprimés	45	47,8	44,7	40,8	43,7	34,3	42,7	48,1	39,5	36,5
Nombre de sièges	364	371	361	283	352	154	353	415	197	232
(total des sièges)	(479)	(490)	(488)	(516)	(441)	(492)	(492)	(517)	(529)	(521)

Cette prépondérance connaît aujourd'hui une remise en cause sans précédent. Certes, le parti a connu des vicissitudes par le passé mais l'érosion de sa popularité depuis dix ans le place aujourd'hui presque au niveau de ses pires contre-performances historiques. L'étiage de 1977 a ainsi pratiquement été atteint en 1991 lorsque le Congrès n'a pu former qu'un gouvernement minoritaire pour la première fois de son existence (jusqu'à présent,

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[1] P. BRASS, *The politics of India since independence*, Cambridge, Cambridge University Press, 1990, p. 69, et R. KOTHARI, *Politics in India*, New Delhi, Orient Longman, 1970, p. 171.

[2] Les alternances de 1977-80 et 1989-91 se révélèrent toutes deux éphémères, et l'état d'urgence déclaré par Indira Gandhi en 1975 ne fut finalement qu'une parenthèse de moins de deux ans.

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lorsqu'il était majoritaire, c'était de façon absolue et non pas relative). Depuis 1991, le Congrès a essuyé plus de défaites qu'il n'a remporté de victoires dans les Etats fédérés dont les assemblées ont été renouvelées : si, parmi les Etats de bonne taille, il a reconquis le Kérala, l'Haryana, le Pendjab, l'Himachal Pradesh, le Madhya Pradesh et l'Orissa, il a perdu le Karnataka, l'Andhra Pradesh, le Goudjerat et le Maharashtra. De ce fait, en 1995, le Congrès ne gouverne plus que dans quelques Etats, parmi lesquels le Madhya Pradesh, le Kérala et l'Orissa font seuls figure d'Etats importants.

Il s'agit cependant d'un facteur autant politique qu'économique. L'inflation à deux chiffres, phénomène dont l'Inde n'est pas familière, constitue un élément plus directement économique qui a contribué au discrédit du Congrès. Le rythme de la hausse des prix n'a cependant pas atteint des sommets puisque, de 14 % en 1991-1992, il est retombé à 9,5 % en 1993-1994 pour remonter à 11,4 % en 1994-1995[3].

Les études les plus sérieuses admettent que l'on manque encore de recul pour apprécier les effets sociaux de la réforme économique. Elles s'efforcent néanmoins d'en prendre la mesure aussi finement que possible. La plupart d'entre elles mettent l'accent sur l'augmentation du nombre des ruraux vivant sous le seuil de pauvreté (de 35% en 1990-1991 à 41,7% en 1992). Cette évolution est attribuée à plusieurs facteurs directement liés à la réforme économique : la diminution des programmes d'aide sociale nécessitée par l'objectif de réduction des dépenses publiques dans le cadre du plan d'ajustement structurel, la diminution des subventions à l'achat d'engrais et la hausse des prix des denrées alimentaires de base (la hausse des prix agricoles est destinée à compenser celle des engrais mais frappe de plein fouet les paysans sans terre n'ayant rien à vendre). Le bilan reste cependant en demi-teinte, soit que les principales causes de la relative paupérisation des campagnes soient identifiées comme indirectement liées à la réforme économique (les conditions climatiques sont volontiers invoquées)[4], soit que cet impact de la réforme économique soit fortement relativisé[5].

Si la situation économique, voire la politique menée par le gouvernement dans ce domaine, ont pu contribuer au déclin récent du Congrès lors des élections régionales, elles ne suffisent pas à l'expliquer, notamment parce que ce phénomène est antérieur à la détérioration des conditions économiques à partir de l'été 1991. Il paraît utile de prendre ici en considération des éléments plus structurels qui tiennent au mode d'implantation du parti et aux transformations sociales affectant l'Inde en profondeur, et parfois liées aux changements économiques.

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[3] *Le MOCI - Moniteur du Commerce International*, n° 1182 (25-31 mai 1995), p. 69 et *India Today*, 30 avril 1995, p. 62. Il faut cependant prendre garde à l'effet de moyenne : les denrées de base, qui constituent une part considérable du budget des plus pauvres, ont connu les hausses les plus vives, en particulier dans les campagnes. Le taux d'inflation pour un ouvrier agricole était ainsi évalué à 22% en 1992-1993 et à 11% en 1994.

[4] S.D. TENDULKAR et L.R. JAIN, « Economic reforms and poverty », *Economic and Political Weekly*, 10 juin 1995, p. 1377.

[5] Une récente enquête, parmi les plus fouillées, que publie un hebdomadaire connu pour ses prises de position « de gauche », conclut par exemple : « Les résultats de notre étude sont mitigés mais, en général, ils montrent que le coût social de la réforme en cours en Inde, bien qu'il s'avère faible par rapport à beaucoup d'autres pays en développement, existe et se situe à un niveau suffisamment élevé pour appeler des inflexions » (S.P. GUPTA, « Economic reform and its impact on poor », *ibid.*, 3 juin 1995, p. 1295).

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L'érosion d'une méthode paradoxale de construction partisane

Les ressorts du « système congressiste »

Le parti du Congrès - dont le nom complet était alors Congrès National Indien - a principalement construit les bases de son ascendant politique à l'époque coloniale sur deux piliers complémentaires : le charisme d'un homme, Gandhi, qui est trop évident pour qu'on s'y attarde, et un réseau de notables. Dès les années 1930, le parti attire en effet des propriétaires fonciers de hautes castes qui ont compris que cette formation finirait par accéder au pouvoir - c'est chose faite au niveau de nombreuses régions dès 1937 - et que le socialisme qu'elle affiche n'est pas susceptible de remettre en cause la situation privilégiée dont ils jouissent. Ce dernier fait se trouvera largement confirmé après l'indépendance, lorsque le Congrès s'efforcera, en fait, de coopter de nombreux notables ruraux en vue des élections qui ont lieu au suffrage universel à partir de 1951-52. Le parti cherche alors à capter ce que l'on commence à appeler des « banques de votes », c'est-à-dire les réservoirs de voix que contrôlent les dominants locaux, au premier rang desquels figurent les propriétaires fonciers, du fait de l'influence qu'ils exercent sur leurs tenanciers, du prestige dû à leur rang (il s'agit souvent d'hommes de hautes castes) et à leur fortune (qui autorise bien des libéralités et des évergésies). Ces notables constituent finalement la pièce maîtresse d'un vaste dispositif clientéliste : le Congrès opère par cooptation de notables dont l'agrégation des « banques de votes » permet de former des majorités dans les assemblées élues.

Cette vaste coalescence incorpore une sorte de principe d'auto-régulation suivant lequel les notables en perte de vitesse sont impitoyablement remplacés par les hommes forts qui émergent dans leur circonscription. Ce pragmatisme tendra à se traduire par la cooptation d'un nombre croissant de « nouveaux riches » issus non pas tant des castes aristocratiques (telles que les Rajputs) que des castes dominantes[6] telles que les Marathas au Maharashtra ou les Patidars au Goudjerat, qui font preuve d'un sens aigu de l'entreprise, notamment à travers le développement de coopératives agricoles et agro-alimentaires. Cette capacité d'adaptation aux évolutions des rapports de force entre groupes sociaux constitue un ressort essentiel de cette construction de la prééminence du Congrès que Rajni Kothari a baptisée, au milieu des années soixante, le « système congressiste ».

L'un des maillons faibles de ce dispositif se trouve cependant dans la zone hindiphone, une vaste région s'étendant sur six provinces (Haryana, Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan et Delhi) où le Congrès a tendu à ignorer des castes intermédiaires en cours d'ascension sociale, comme les Jats, et à se reposer sur l'aristocratie foncière - y compris sur son élite princière, les Maharajahs ayant conservé beaucoup d'influence dans des régions comme le Rajasthan et le Madhya Pradesh[7].

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[6] La caste dominante est celle qui, localement, est la plus nombreuse et exerce le contrôle le plus net sur la terre.

[7] Voir C. HURTIG, *les Maharajahs et la Politique dans l'Inde contemporaine*, Paris, Presses de la Fondation nationale des sciences politiques, 1988.

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Personnalisation du pouvoir et populisme

A partir de la fin des années soixante, le « système congressiste » se trouve remis en cause par la stratégie d'Indira Gandhi, qui ramène le Congrès sur le registre charismatique - avec moins de force de conviction que le Mahatma Gandhi naturellement. Nehru n'avait certes pas négligé ce registre mais, soucieux de ne pas personnaliser le pouvoir pour mieux enraciner la démocratie, il s'était gardé de trop se mettre en avant. La pratique du pouvoir d'Indira Gandhi tranche ici sur celle de son père.

Nommée Premier ministre en 1966 par les caciques du Congrès, qui pensaient avoir trouvé avec la fille de Nehru une figure populaire du fait de son ascendance et néanmoins manipulable, Indira Gandhi cherchera vite à s'émanciper de leur tutelle et s'opposera à eux sur le thème de la nécessaire réforme socialiste du pays. Ce conflit débouchera en 1969 sur la scission du parti, le Congrès (O) (O pour Organisation) regroupant l'essentiel du réseau des notables fidèles aux caciques, tandis que le Congrès (R) (R pour réquisitionniste puis « Ruling ») devait l'essentiel de sa vitalité à Indira Gandhi.

Celle-ci, contrainte de dissoudre la Lok Sabha (Assemblée du Peuple : la Chambre basse) en 1970 faute d'une majorité prête à soutenir ses projets, conduisit une campagne électorale populiste sur le thème de l'éradication de la pauvreté, qui marque le point de départ d'une personnalisation du pouvoir fondée sur une relation directe entre le leader et les masses - une relation qui vise à court-circuiter l'influence des notables détenteurs de banques de votes[8]. Le triomphe électoral d'Indira Gandhi ramènera toutefois de nombreux notables du Congrès (O), soucieux de rester du côté des vainqueurs, au Congrès (R).

Le mode de construction partisane sur lequel repose finalement le Congrès dans les années soixante-dix combine une dimension agrégative (la cooptation de notables) et une dimension charismatique (l'appel au peuple promu par l'héritière d'une lignée prestigieuse). Cette combinaison explique pour partie l'étrange coalition sur laquelle repose la force électorale du Congrès jusqu'à la fin des années quatre-vingt.

La « coalition des extrêmes »

En dépit de disparités régionales inévitables sur un territoire plus vaste que l'Europe, on peut identifier certaines constantes dans la sociologie du Congrès (I) (I pour Indira : le nom adopté par la formation d'Indira Gandhi issue du Congrès (R) en 1978). Ces tendances lourdes s'expliquent largement, mais pas exclusivement, par les techniques de construction partisane adoptées par le parti et par l'idéologie qu'il affiche.

L'élite des castes supérieures et dominantes constitue naturellement une base largement acquise au Congrès dès les années cinquante. Or ces groupes peuvent représenter des masses considérables : les Marathas constituent environ 30 % de la société du Maharashtra par exemple. Les brahmanes tendent aussi à être surreprésentés au sein de l'électorat congressiste, notamment en Uttar Pradesh, le plus grand Etat de l'Union, sans doute parce qu'ils prêtent volontiers allégeance aux Nehru, des brahmanes cachemiris.

A l'autre extrémité de l'échelle sociale, les populations intouchables (15 % de la société)

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[8] S. KAVIRAJ, « Indira Gandhi and Indian politics », *Economic and Political Weekly* 21 (38-39), 20 sept. 1986.

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et tribales (7 %) votent souvent pour le Congrès en raison de quotas qui leur ont été accordés - proportionnels à leur poids démographique - dans l'administration, le système éducatif et les assemblées élues, dans le cadre d'une politique de discrimination positive impulsée par le Congrès dès après l'indépendance.

Enfin, la troisième base structurelle du Congrès n'est autre que la minorité musulmane (12 % de la population aujourd'hui) qui a très vite reconnu dans le Congrès le principal promoteur du sécularisme et qui a apprécié dès les années cinquante la bienveillance de Nehru à l'égard des musulmans ayant préféré rester en Inde plutôt que de migrer au Pakistan (notamment en leur reconnaissant le droit d'utiliser la *shariat* comme source de droit pour tout ce qui concernait la loi personnelle).

Pendant des années, le Congrès a donc bénéficié du soutien structurel d'une « coalition des extrêmes », pour reprendre les termes de P. Brass[9], les brahmanes et les intouchables se situant aux deux pôles du système des castes, et les premiers incarnant une religion, l'hindouisme, qui entretenait souvent des relations difficiles avec l'islam. Tous les membres de ces groupes ne votaient pas pour le Congrès, bien sûr, mais ils se trouvaient surreprésentés au sein de son électorat. Or, dans le cadre d'un mode de scrutin à un tour, seule une partie de ces groupes « extrêmes » était de toute façon nécessaire pour parvenir à remporter une majorité : le Congrès a ainsi obtenu une majorité des sièges en ne recueillant que 42,7 % des voix en 1980. Ses difficultés actuelles proviennent largement du fait qu'il ne parvient plus à réunir le soutien de ces extrêmes et que leur défection reflète sans doute des évolutions sociales durables.

Le déclin du Congrès, produit de clivages socio-ethniques

Depuis 1990, la vie politique indienne est principalement dominée par deux lignes de clivage qui se superposent. L'une oppose hindous et musulmans, l'autre des castes supérieures aux castes inférieures.

Ces mouvements sont le produit de manipulations politiques mais se sont renforcés mutuellement et finalement auto-entretenus. A court terme, ce processus remet en cause le statut du Congrès (I) comme parti de consensus transcendant les divisions sociales et religieuses, ce qui lui nuit surtout dans le Nord du pays, où ces tensions sont les plus vives.

Mandal vs « Mandir » : la montée des oppositions socio-ethniques

L'affaire d'Ayodhya

Le conflit hindous/musulmans s'est exaspéré depuis le milieu des années quatre-vingt autour de l'enjeu d'Ayodhya. Cette ville d'Uttar Pradesh abrite un site qui est considéré par

[9] P. BRASS, « The politicization of the peasantry in a North Indian state. Part II», *Journal of Peasant Studies* 8 (1), oct. 1980, pp. 3-36.

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de nombreux hindous comme le lieu de naissance du dieu Ram et sur lequel une mosquée a été édifiée au XVIe siècle par les premiers envahisseurs moghols. Depuis 1984, les nationalistes hindous du Rashtriya Swayamsevak Sangh (RSS - Association des volontaires nationaux) revendiquent ce site pour y reconstruire le temple (*mandir*) qui aurait, selon eux, précédé la mosquée.

Le thème du temple d'Ayodhya a d'abord été manipulé par des partis politiques à des fins électorales. Le parti nationaliste hindou, le Bharatiya Janata Party (BJP - Parti du peuple indien) commença à militer pour la construction d'un temple à Ayodhya dans le cadre de la campagne électorale de 1989. La mobilisation hindoue se traduisit alors par d'innombrables émeutes entre hindous et musulmans. Le graphique de la page suivante montre en effet que l'augmentation du nombre de victimes lors d'émeutes intercommunautaires date de la fin des années quatre-vingt. Pour la première fois en 1989, ce type de violences ne résulte plus seulement de conflits locaux mais procède d'un mouvement national d'origine politique, la revendication du site d'Ayodhya[10].

La polarisation violente des communautés et la mobilisation hindoue servirent les intérêts du BJP, qui passa de 2 à 85 sièges à la Lok Sabha. Toutefois, le parti ne dépassa pas 11 % des suffrages exprimés et ses zones de force se concentraient dans le Nord de l'Inde (la zone hindiphone) où il remporta une majorité des sièges dans trois Etats fédérés en mars 1990 (l'Himachal Pradesh, le Rajasthan et le Madhya Pradesh).

Le BJP appartenait alors au front des formations de l'opposition dont la pièce maîtresse était le Janata Dal de Vishwanath Pratap Singh. Cette alliance ayant battu le Congrès (I) en 1989, V.P. Singh devint Premier ministre. Peu après, celui-ci fut à l'origine de « l'affaire Mandal » qui marqua l'exacerbation de l'antagonisme entre hautes et basses castes.

L'affaire Mandal

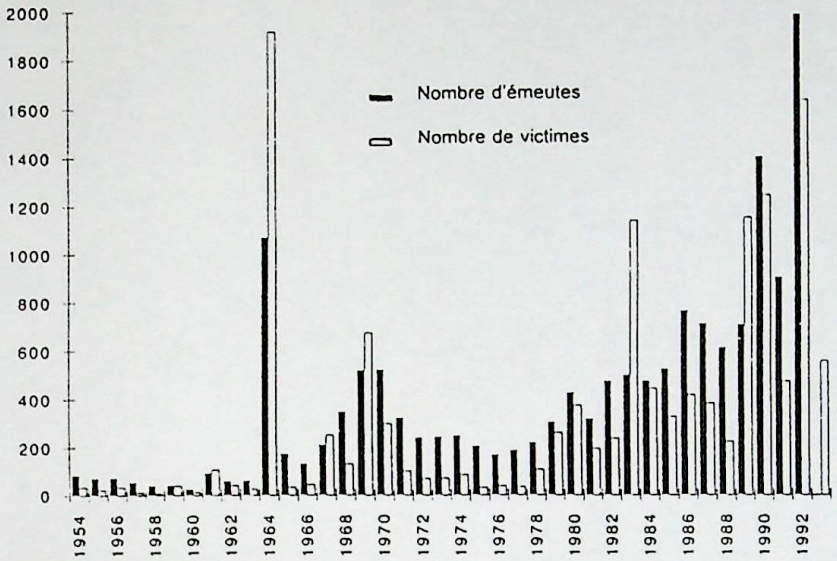
La commission dirigée par B.P. Mandal avait été nommée en 1978 pour enquêter sur la condition des « *other backward classes* » (OBC). En recensant ces « autres classes arriérées », la commission établit en fait une liste de castes « autres » que des intouchables mais occupant un rang subordonné aux hautes castes : les brahmanes (prêtres et lettrés), les kshatriyas, essentiellement représentés par les Rajputs (guerriers), les banyas (commerçants) et les kayasths (scribes). Ces castes supérieures, d'après le recensement de 1931, le dernier à tenir compte des castes de façon fiable, ne représentaient pas plus de 14 % (respectivement 6,4 %, 3,7 %, 2,7 % et 1 %) de la population indienne. En fait, les OBC correspondaient grosso modo aux shudras qui, dans le système des castes classique, ont pour vocation de servir les « deux-fois-nés », mais qui se situent au-dessus des intouchables, ceux-ci occupant le bas de l'échelle en raison de leur impureté radicale en termes rituels. Ces OBC (52 % de la population), sans se trouver aussi déshérités que les intouchables, souffraient d'un retard criant en termes socio-économiques et d'éducation.

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[10] Sur ce désenclavement de la violence entre hindous et musulmans, voir C. JAFFRELOT, *Les Nationalistes hindous. Idéologie, implantation et mobilisation des années 1920 aux années 1990*, Paris, Presses de la Fondation nationale des sciences politiques, 1993.

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Les émeutes entre hindous et musulmans en Inde, 1954-1993



Dans son rapport, la commission Mandal recommanda donc l'octroi d'un quota de 27 % des postes dépendant de l'administration centrale à ces castes pour assurer leur promotion sociale[11].

La commission Mandal rendit son rapport en 1980 mais, pendant près de dix ans, il fut mis sous le boisseau par les gouvernements successifs qui redoutaient que sa mise en œuvre ne suscitât des tensions entre castes. En août 1990, V.P. Singh prit la décision d'appliquer la recommandation de la commission concernant les quotas dans l'espoir de faire des OBC sa base électorale. Cette décision provoqua cependant de violentes manifestations de la part d'étudiants de hautes castes qui voyaient dans le nouveau quota une amputation de leurs débouchés dans l'administration, carrières très prisées par la classe moyenne, surtout dans les milieux brahmanes et kayasths. En fait, pour ces castes de lettrés, l'administration constitue une sorte de chasse gardée et bien des familles peuplent la fonction publique - à un niveau plus ou moins élevé - depuis plusieurs générations.

[11] Ce chiffre de 27 % n'est pas proportionnel au poids démographique des OBC parce que les intouchables et les aborigènes bénéficient déjà de quotas (respectivement 15,5 % et 7 %) et que la Cour Suprême s'était prononcée dans le passé en faveur d'une somme des quotas inférieure à 50 %.

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Ethnicisation des hautes castes et penchant de la classe moyenne pour l'autorité

Le mouvement en faveur du temple d'Ayodhya fut relancé par le BJP en grande partie à cause de l'« affaire Mandal ». Ce parti, soucieux de consolider la « nation hindoue », rejetait en effet le découpage de quotas selon une logique de castes. Son discours s'avéra alors attirant pour un nombre croissant de membres des classes moyennes de hautes castes. Pour le BJP comme pour ces participants, le mouvement d'Ayodhya devait réunifier l'hindouisme menacé par les divisions de castes, mais cet irénisme n'était pas sans arrière-pensées : il s'agissait d'évacuer la problématique sociale pour communier dans une même ferveur religieuse. Les hautes castes découvraient volontiers dans le nationalisme hindou un moyen de résister à la montée en puissance des basses castes ; on observe une ethnicisation des premières qui valorisent plus que jamais leur identité hindoue tandis que les secondes tendent à se détourner de cet hindouisme-là.

Le pouvoir d'attraction croissant du BJP sur la classe moyenne de haute caste est aussi dû à l'impact du changement socio-économique sur les mentalités. L'exacerbation des clivages entre castes et entre communautés religieuses n'est en effet pas sans rapport avec la libéralisation économique. Si celle-ci a connu une accélération à partir de l'été 1991 lorsque Narasimha Rao, contraint par la crise financière, a engagé l'Inde sur la voie que recommandait le FMI, Rajiv Gandhi avait déjà commencé à dégager l'économie indienne des règlements étatiques instaurés à l'époque de Jawaharlal Nehru. Dans les années quatre-vingt, l'esprit d'entreprise se trouva ainsi stimulé par en haut et les valeurs capitalistes légitimées. Cette ouverture encore limitée favorisa une élévation du taux de croissance et accompagna un changement de mentalité parmi la classe moyenne[12]. Celle-ci tendit à valoriser l'enrichissement et la discipline comme conditions du « progrès » dans la compétition internationale. Âpre au gain - et parfois dure à la tâche - cette élite se montra de plus en plus intransigeante vis-à-vis des catégories « à la traîne » et « gênantes » pour l'homogénéisation du pays ; il s'agissait bien sûr des basses castes mais aussi des musulmans, soupçonnés de sympathies extra-territoriales (à l'égard du Pakistan ou plus à l'ouest encore) et accusés de faire pression sur le gouvernement au moyen de leur capital de votes (12 %) en vue d'en obtenir un traitement de faveur. La libéralisation économique favorisa donc, au sein de la classe moyenne, le souci d'un Etat fort et homogène qui explique largement le soutien que ces milieux ont accordé au BJP de façon massive dans les années quatre-vingt-dix.

Une partie de l'élite indienne apprécie aussi dans le BJP une formation d'autant plus réputée pour son intégrité qu'elle n'a jamais été vraiment exposée à la tentation de la corruption que suscite généralement l'accès au pouvoir.

La montée en puissance du BJP depuis 1991 repose largement sur le soutien que lui apportent les castes supérieures de la classe moyenne. En 1991, le BJP passa de 11 à 20 % des suffrages et de 88 à 119 sièges à la Chambre basse. Il devait surtout cette progression au soutien croissant des castes supérieures. L'attrait qu'il exerçait concernait principalement

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[12] Voir sur ce point l'excellent article de R. KOTHARI, « Class and Communalism in India », *Economic and Political Weekly*, 3 décembre 1988, p. 2 591.

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les brahmanes mais aussi des castes dominantes comme les Jats de l'Uttar Pradesh qui, n'étant pas classés parmi les OBC, avaient un intérêt objectif à voter pour le seul parti à se montrer hostile au rapport Mandal. Le Congrès perdait ainsi des soutiens importants, surtout en Uttar Pradesh, le quatrième Etat conquis par le BJP, en plus du Rajasthan, du Madhya Pradesh et de l'Himachal Pradesh où il avait obtenu la majorité en 1990.

Or ces Etats du Nord hindiphone - et en particulier l'Uttar Pradesh - constituent en quelque sorte le cœur politique de l'Inde, non seulement parce que l'élite gouvernementale, traditionnellement, en était issue (jusqu'en 1991, les Premiers ministres successifs, J. Nehru, L.B. Shastri, Indira Gandhi, Charan Singh et Rajiv Gandhi venaient de l'Uttar Pradesh) mais encore parce que cette zone représentait, en 1981, 267 millions d'habitants sur un total de 685 millions, et 204 sièges sur 543 à la Lok Sabha.

Parallèlement à la perte d'une bonne partie de l'électorat des castes supérieures des classes moyennes, tant rurales qu'urbaines, le Congrès souffrit de la montée en puissance des basses castes dans le sillage de « l'affaire Mandal ».

Les basses castes prennent-elles le pouvoir ?

Dans le Nord hindiphone, les hautes castes représentent couramment un cinquième de la population (on compte presque 10 % de brahmanes en Uttar Pradesh). Les OBC de ces régions - entre 40 et 50 % de la population - n'ont commencé à améliorer leur statut socio-économique qu'après la Révolution verte des années soixante, dont les mieux lotis ont pu tirer parti. Les petits paysans de castes intermédiaires et basses se sont ensuite affirmés sur la scène politique à travers les partis fondés par Charan Singh à partir de 1967. En 1984, 23,3 % des députés étaient membres des *other backward classes* contre 14 % environ dans l'Assemblée constituante élue en 1946. Les élections de 1977 avaient constitué un premier tournant dans le Nord hindiphone avec l'arrivée au pouvoir, de l'Haryana au Bihar, de gouvernants issus de basses castes.

Les années quatre-vingt-dix marquent une évolution plus radicale car, pour la première fois, des partis représentant les intérêts des OBC parviennent au pouvoir. En Uttar Pradesh, le Samajwadi Party (Parti socialiste), issu d'une scission du Janata Dal, et le Bahujan Samaj Party (BSP - Parti des masses, surtout représentatif des intouchables) ont ainsi privé le BJP du pouvoir en 1993, les hautes castes des villes votant pour le parti nationaliste hindou, mais sans disposer de l'atout décisif du nombre. La signification du rapprochement entre le SP et le BSP ne doit cependant pas être exagérée. D'une part, au niveau social, les OBC et les intouchables se situent souvent dans un rapport conflictuel, dans la mesure où les seconds travaillent comme journaliers des premiers. D'autre part, au niveau politique, l'intérêt des chefs de partis peut l'emporter sur la fidélité aux idéaux proclamés. Le renversement d'alliances accompli par le BSP en juin 1995, qui l'a conduit à s'associer au BJP - jusque-là stigmatisé par Kanshi Ram comme un parti de hautes castes - reflète sans doute le jeu de ces deux facteurs.

Si l'alliance de toutes les castes inférieurs semble hypothétique, l'impact de l'affaire Mandal en termes d'émergence d'une « identité OBC » ne doit pas être sous-estimé, comme en témoigne la situation au Bihar où Laloo Prasad Yadav a conduit le Janata Dal à la victoire pour la seconde fois en mars 1995 grâce, pour l'essentiel, au soutien des *other backward classes*. Au reste, tous les partis s'efforcent à présent d'attirer les OBC en partant

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du principe qu'ils constituent une vraie catégorie. Pour les séduire ou en échange de leur soutien, les gouvernants leur réservent des quotas de postes de plus en plus importants dans l'administration des Etats. Ces mesures sont facilitées par le fait que la Cour Suprême a finalement déclaré les recommandations de la commission Mandal conformes à la constitution à la fin de 1992.

Cette montée en puissance politique de nouveaux secteurs de la population indienne devrait permettre aux OBC d'améliorer leurs positions dans un troisième site du pouvoir - après l'économie rurale et les assemblées élues -, l'administration. En 1981, la commission Mandal révéla que les 52 % d'OBC ne représentaient que 12,5 % de la fonction publique nationale. Chiffres plus significatifs encore : le corps d'élite de la fonction publique, l'Indian Administrative Service, que l'on peut comparer à l'ENA française, ne comprenait que 2 % d'OBC contre 38 % de brahmanes. Désormais, 27 % des postes de l'administration centrale sont réservés aux OBC. La place croissante que les basses castes occupent sur la scène politique et dans l'administration tend ainsi à conférer à la démocratie indienne une dimension sociale qui lui faisait défaut : l'élite connaît enfin un certain renouvellement. La libéralisation économique entreprise par le gouvernement en 1991 accompagne ce mouvement dans la mesure où elle crée de nouvelles possibilités d'entreprendre pour la classe moyenne urbaine (souvent de haute caste) qui devrait ainsi se détourner du secteur public et permettre au gouvernement d'utiliser celui-ci dans le cadre d'une politique de discrimination positive plus active. Certains observateurs craignent que l'entrée dans l'administration d'un nombre croissant de personnes recrutées dans le cadre de quotas n'affecte la qualité du service public. Il faut cependant souligner que ces personnes seront peut-être plus proches des administrés de basse extraction, les plus nombreux.

La perte du vote musulman par le Congrès

A l'érosion de sa base parmi les castes supérieures et les milieux de basses castes - surtout intouchables - s'ajoute, pour le Congrès, la perte, plus massive encore, du soutien musulman. Le 6 décembre 1992, des militants nationalistes hindous sont parvenus à démolir la mosquée d'Ayodhya[13].

La plupart des leaders musulmans ont aussitôt tenu le gouvernement de Narasimha Rao pour responsable de cette destruction, étant donné que les troupes dépendant du pouvoir central qui avaient été mobilisées pour protéger la mosquée ne sont pas intervenues. Aux yeux de bien des musulmans, le Premier ministre a ici indûment favorisé la communauté majoritaire ; et pour eux, cette attitude s'est trouvée confirmée par la suite, lorsque le pouvoir a laissé des militants hindous construire à la hâte un temple sur les décombres de la mosquée avant de favoriser l'émergence d'un « trust » chargé de piloter l'édification d'un véritable lieu de culte dédié à Ram. (La formation d'une instance symétrique côté musulman est prévue, pour superviser la construction d'une mosquée, mais celle-ci n'a pas

[13] Cet événement fut suivi d'une vague d'émeutes plus meurtrière encore que celles qui l'avaient précédée ; à cette occasion, la police s'est souvent comportée de manière peu équitable, la répression à l'encontre des musulmans qui manifestaient leur colère étant particulièrement sévère (notamment à Bombay où l'on enregistra le nombre le plus élevé de victimes).

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encore vu le jour, notamment parce que bien des leaders musulmans ne veulent rien d'autre que la reconstruction de l'édifice détruit).

A tort ou à raison, Narasimha Rao s'est finalement aliéné une bonne partie de la communauté musulmane. Or celle-ci a la réputation de voter « en bloc ». Sans exagérer ce trait, il est certain que leur statut de minorité a souvent amené les musulmans à unir leurs voix pour mieux protéger leurs intérêts et qu'ils ont volontiers apporté leur soutien au Congrès en tant que garant du sécularisme depuis Nehru. Au cours des années quatre-vingt-dix, cette stratégie collective les a amenés à voter davantage pour le Janata Dal ou pour les formations régionales issues des scissions de ce parti. Cette réorientation était aussi sous-tendue par une logique de type socio-économique, les musulmans occupant souvent une position sociale comparable à celle des OBC. Il s'agit sans doute pour le Congrès du manque à gagner le plus dommageable, les musulmans représentant jusqu'à 15 % de l'électorat dans un Etat comme l'Uttar Pradesh.

La principale victime de la nouvelle répartition des voix est donc le Congrès (I) qui devait sa force - en Uttar Pradesh comme souvent ailleurs dans le Nord - au soutien des brahmanes, des intouchables et des musulmans. Une telle « coalition des extrêmes » n'est plus possible, comme en témoigne la déroute du parti lors des élections de 1993 où il ne remporta que 25 sièges sur 425 en Uttar Pradesh. Dans ce contexte, le Congrès est à la recherche d'une stratégie de rechange.

Quelle stratégie pour le Congrès, quelle politique pour l'Inde ?

Le parti au pouvoir s'efforce de reprendre pied, notamment en exploitant de plus en plus ouvertement les sentiments des communautés religieuses. Il s'agit en particulier pour lui de regagner la confiance des musulmans, que son attitude dans l'affaire d'Ayodhya a sérieusement ébranlée. Dans cet esprit, le gouvernement congressiste du Karnataka a, par exemple, essayé d'introduire dans les programmes régionaux de la télévision publique un bulletin d'information en ourdou juste avant les élections régionales de l'automne 1994. Les mesures de ce genre tendent cependant à être de plus en plus contre-productives car les musulmans y voient des manœuvres symboliques qui n'améliorent pas leur condition sociale, et la majorité hindoue se trouve ainsi confortée dans l'idée, de plus en plus répandue, que le gouvernement favorise les minorités pour leurs voix aux élections. Au Karnataka, cette tactique a provoqué une réaction hindoue violente dont les principales victimes furent musulmanes. Les voix des musulmans allèrent ensuite principalement au Janata Dal lors des élections régionales. La « communalisation » du jeu politique par le Congrès - qui remonte en fait aux pratiques d'Indira Gandhi dans les années quatre-vingt - ne semble pas à même de faire remonter le score du parti. En fait, jouer « la carte hindoue » revient à légitimer la rhétorique du BJP tandis que les tentatives de séduction des musulmans renforcent aussi ce parti sans atteindre l'objectif recherché.

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Comment (re)devenir le parti des pauvres ?

Le Congrès semble finalement mieux équipé pour attirer à lui les couches les plus défavorisées de la société. Il peut utiliser ici l'image qu'avaient contribué à façonner Nehru et surtout Indira Gandhi. Le slogan *Garibi Hatao* (« en finir avec la pauvreté ») que celle-ci avait entonné avant les élections de 1971 constitue par exemple un précédent exploitable, même s'il demande à être actualisé. Le budget présenté en mars 1995 couvre une année fiscale qui est aussi une année électorale puisqu'elle se terminera sans doute au moment du scrutin de 1996 ; il montre que le gouvernement Rao cherche à tirer profit de l'assainissement relatif de la situation financière pour gonfler les dépenses sociales. Si ce budget a été qualifié de « populiste » par l'opposition, la marge de manœuvre du pouvoir est fortement limitée. L'Inde ne peut en effet creuser les déficits publics - déjà supérieurs aux normes des bailleurs de fonds internationaux[14] - sans risquer de sombrer dans le piège de la dette, ce que la Banque centrale a cru bon de lui rappeler en septembre 1995. Il semble moins coûteux et finalement plus profitable - en termes électoraux - de mettre l'image, héritée d'Indira Gandhi, de travail au service des pauvres au goût du jour en en proposant une version faisant une large place aux identités de castes.

Le succès remporté par le parti au Madhya Pradesh montre sans doute ici la voie à suivre. Dans cet Etat, le Congrès (I) a fait campagne au nom des OBC et l'a emporté avec 14 sièges de plus que le BJP lors des élections de 1993. Il s'agit toutefois d'un cas exceptionnel. D'une part, les formations se réclamant des basses castes sont particulièrement mal organisées dans cette région, ce qui laissait le champ libre au Congrès ; d'autre part, les cadres locaux du parti, dans la plupart des autres Etats, appartiennent aux hautes castes et ne sont pas prêts à jouer jusqu'au bout la carte des OBC, comme l'affaire de l'Uttarakhand en a témoigné.

L'Uttarakhand est le nom d'une région montagneuse de l'Uttar Pradesh qui abrite une majorité de hautes castes (environ 70 %) et de nombreux aborigènes. En raison de la spécificité culturelle de la région et des difficultés du gouvernement de Lucknow à gérer une population aussi énorme que celle de l'Uttar Pradesh (110 millions en 1981), un sentiment autonomiste s'est développé depuis quelques années en Uttarakhand. Le chef du gouvernement de l'Etat, Mulayam Singh Yadav, n'en a pas moins décidé d'appliquer à cette région le quota de 27 % des postes de l'administration de l'Etat en faveur des OBC (alors même que ceux-ci ne représentent que 2 % de la population en Uttarakhand). Les manifestations de protestation lancées par les mouvements autonomistes dominés par les hautes castes ont été sévèrement réprimées et M.S. Yadav a même déclenché un « *bandh* » (opération ville morte) à l'échelle de l'Uttar Pradesh au nom des réservations pour remobiliser sa base OBC.

Les atermoiements du Congrès dans cette affaire sont des plus significatifs. En 1993, le parti avait décidé d'apporter son soutien à Yadav qui manquait de quelques sièges pour disposer d'une majorité. En septembre 1994, le chef du Congrès de l'Uttar Pradesh, N.D.

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[14] L'objectif, affiché dans la loi de finances, d'une réduction du déficit budgétaire de 6,8 % à 5,5 % paraît encore trop limité au FMI et n'a, au surplus, que peu de chance d'être réalisé.

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Tiwari, un brahmane, s'éleva contre l'attitude de M. S. Yadav et se prononça en faveur d'un retrait du soutien que lui apportait jusqu'alors son parti. Cette prise de position reflétait la tendance traditionnelle du Congrès, dominé par des hautes castes et habitué à transcender les différences de castes dans une logique clientéliste verticale. Tiwari cherchait visiblement à rétablir le Congrès dans son rôle de parti de consensus.

Narasimha Rao imposa une autre solution. Il refusa de retirer son soutien à Yadav pour que le Congrès n'apparaisse pas comme un parti hostile aux OBC ; c'est néanmoins l'impression que l'attitude de N.D. Tiwari risque d'avoir donnée. Cet épisode est révélateur des contradictions latentes ou explicites entre les options stratégiques du parti et sa sociologie.

La position défendue par Narasimha Rao semble cependant s'imposer depuis quelques mois. En mai dernier, un des ministres du gouvernement Rao, Sitaram Kesri, a présenté un projet de révision constitutionnelle visant à tourner les contraintes que l'attitude de la Cour Suprême fait peser sur la politique de discrimination positive dans l'administration et le système éducatif : l'interprétation de la Constitution par cette instance interdit que la somme des quotas en faveur des tribus et des basses castes excède 50 % des postes ; sa jurisprudence ne permet pas d'étendre le principe des quotas aux promotions et exclut les hautes castes souffrant de handicaps économiques des mesures de discrimination positive. Le projet de Sitaram Kesri revient à lever les hypothèques liées à l'attitude des juges. Le gouvernement l'a astucieusement présenté à une réunion regroupant des représentants de tous les partis politiques qui n'ont pu que l'avaliser par souci de ne pas s'aliéner l'électorat des OBC, ses bénéficiaires potentiels. Si ce projet aboutit, il peut devenir la pièce maîtresse d'un nouveau dispositif clientéliste, du type de celui que le Congrès avait mis en place avec les intouchables et les aborigènes.

Le rétablissement d'un leadership efficace

La direction du Congrès souffre de deux types de faiblesses. D'une part, les leaders manquent de charisme ; d'autre part, le factionalisme divise leurs rangs.

Une des ressources du parti, on l'a vu, a longtemps résidé dans le prestige des chefs du Congrès, de Gandhi à la lignée des Nehru. Celle-ci s'est brutalement interrompue avec l'assassinat de Rajiv Gandhi en 1991. Or, Narasimha Rao, son successeur, est dépourvu de tout charisme. Fin politique, déterminé dans la conduite de la libéralisation économique, il fait accomplir à l'Inde une mutation capitale mais ne s'impose pas par des talents de communication. Sans doute du fait de son âge (il est né en 1921) et de son tempérament, il tient peu de meetings et son incapacité à mobiliser les foules a récemment conduit à annuler des réunions publiques où l'audience était trop clairsemée. Certains congressistes cherchent à impliquer la veuve de Rajiv Gandhi, Sonia, dans la vie politique, de manière à exploiter la popularité de la famille qui a si longtemps dominé le parti. Il est toutefois peu probable qu'elle se range à cet avis, notamment à cause de ses origines italiennes. Il est cependant possible qu'elle renonce à dissuader ses enfants d'entrer en politique comme elle y avait été incitée jusqu'à présent par le destin tragique de leur père et de leur grand-mère. Il n'est donc pas exclu que son fils Rahul ou sa fille Priyanka se présente dans la

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circonscription de leur père dès les élections de 1996[15]. Mais ils seront de toute façon trop jeunes pour être reconnus comme des leaders à l'Assemblée. Il semble donc qu'à court terme, l'atout que constitue la lignée des Nehru soit comme neutralisé. L'influence de Sonia n'est d'ailleurs pas sans limite : en mai 1995, par exemple, ses efforts ne sont pas parvenus à éviter la scission du Congrès.

Cette scission est révélatrice des tensions factionalistes qui minent la cohésion du parti. Ses auteurs, Arjun Singh et N.D. Tiwari, ont commencé à critiquer Narasimha Rao au moment où le Congrès s'est mis à accumuler les revers électoraux. Ils attribuent volontiers ses défaites à la façon dont le Congrès s'est aliéné les musulmans et les couches les plus défavorisées. Ce dernier aspect, de leur point de vue, est en partie dû à la libéralisation économique qui accroît les écarts entre les riches et les pauvres. Arjun Singh et N.D. Tiwari disposent surtout d'appuis importants dans leurs fiefs respectifs du Madhya Pradesh et de l'Uttar Pradesh, où l'entrée en lice de congressistes dissidents lors des élections de 1996 risque d'amputer la force du Congrès dans des proportions non négligeables.

A côté des sécessionnistes, il faut prendre en compte les députés, de plus en plus nombreux, qui contestent le leadership de Narasimha Rao en redoutant que le Premier ministre ne les mène à la déroute électorale, surtout s'il reste chef du parti. En effet, un premier pas dans le sens d'une revitalisation du Congrès consisterait sans doute dans la nomination d'un nouveau président qui pourrait se consacrer à temps plein au parti. Ses efforts, qui ont en particulier porté sur l'organisation d'élections internes (tombées en désuétude depuis 1972, date à partir de laquelle les postes ont été pourvus par en haut), ont en effet d'autant moins porté leurs fruits que la charge de Premier ministre l'accaparait. Il reste à savoir si Narasimha Rao réussira à imposer un homme de confiance à la tête du Congrès - s'il accepte d'en abandonner les rênes - et d'abord s'il réussira à en trouver un parmi l'élite du parti.

Offrir une image plus propre

Les sondages « sortie des urnes » qui furent organisés lors des élections de 1994-1995 ont tous montré qu'autant que l'inflation et le factionalisme, une motivation majeure au rejet du Congrès tenait aux pratiques occultes pour lesquelles il était connu. La corruption est un phénomène ancien en Inde et sans doute lié à l'occupation du pouvoir par un même parti pendant plusieurs décennies. Toutefois, la libéralisation économique a donné de nouvelles occasions à ce phénomène de se manifester. Ce contexte a en particulier favorisé un retentissant scandale financier à la Bourse de Bombay.

En outre, la corruption s'est doublée d'une criminalisation du jeu politique qui s'est notamment traduite par l'élection de nombreux chefs de gangs ou l'établissement de relations plus étroites entre des cadres du Congrès et le milieu. Il s'agit là d'un phénomène affectant tous les partis mais le Congrès est naturellement visé de façon prioritaire par les

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[15] Cette hypothèse a été crédibilisée, en août dernier, lorsque Sonia Gandhi s'est rendue à Amethi, la circonscription de Rajiv, en compagnie de ses enfants, pour émettre des critiques à peine voilées à l'intention du gouvernement Rao en déplorant notamment la lenteur avec laquelle l'enquête sur l'assassinat de son mari progressait.

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critiques - et l'électorat - parce qu'il occupe le pouvoir. Or, cette formation n'est guère parvenue à améliorer son image sur ce front. C'est ainsi que la destitution, fin 1994, de trois ministres, impliqués notamment dans le scandale du sucre[16], a été jugée bien trop tardive par une bonne partie de la presse.

Le Congrès avait peu avant confirmé les craintes que l'on pouvait nourrir à son endroit dans « l'affaire Ramaswami », du nom d'un juge de la Cour Suprême accusé par ses pairs de pratiques corrompues. Pour aller plus loin, la procédure devait obtenir du Parlement la levée de l'immunité du juge : or ceci fut empêché par le vote unanime des députés du Congrès, attitude que la presse, indignée, expliqua par la crainte que la levée d'une immunité crée un précédent susceptible, un jour, de se retourner contre les députés, dont la conscience n'était pas tout à fait nette[17]. La criminalisation du Congrès est devenue l'enjeu majeur du débat politique au cours de l'été 1995 lorsqu'un des anciens responsables de la branche de Delhi de ce parti a été reconnu coupable d'avoir assassiné sa femme, apparemment compromise avec d'autres leaders du parti. L'émotion a été d'autant plus grande que la presse a saisi cette occasion pour mettre en lumière toutes les connections occultes - et néanmoins connues - dans lesquelles les formations politiques se trouvent impliquées. Le gouvernement a dû réaffirmer sa volonté de lutter contre la criminalisation de la sphère publique, notamment en présentant au Parlement un rapport qu'il avait demandé sur le sujet en 1993, à la suite d'une série d'attentats à Bombay dans laquelle on avait décelé la main de mafieux liés à des parrains politiques. Ce rapport, enfin déterré, était sans appel mais très succinct - sans doute en raison de coupes gouvernementales - et se contentait de prôner la mise sur pied d'une nouvelle commission chargée de coordonner la lutte contre la criminalisation du politique. Le gouvernement accéda bien volontiers à cette recommandation, mais cela n'a pas suffi à dissiper l'inquiétude croissante que suscite la relation de plus en plus étroite entre les mafieux et les hommes politiques. A cet égard, l'indignation provoquée par les événements de l'été 1995 est révélatrice de la dégradation de l'image du Congrès. Le discours du Premier ministre, lors d'une réunion des cadres du parti organisée en juillet 1995 dans la perspective des élections générales, a eu valeur d'aveu puisqu'il dénonçait la façon dont le parti était devenu "esclave du pouvoir" au mépris de tout principe[18].

Conclusion

Le Congrès ne semble pas aujourd'hui seulement victime de la relative impopularité de sa politique économique ; il souffre en fait d'une remise en cause des piliers sur lesquels

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[16] Le ministre de l'Alimentation aurait attendu que les prix du sucre montent - notamment pour enrichir des professionnels indiens - avant de décider des importations qui s'imposaient.

[17] Voir le dossier de *Frontline* du 4 juin 1993, pp. 15-24.

[18] *Times of India*, 26 juillet 1995. Un mois plus tard, il a éprouvé le besoin d'annoncer que le parti ne donnerait pas son investiture à des criminels lors des élections de 1996 (*ibid.*, 27 août 1995).

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reposait traditionnellement son ascendant : le parti est privé de leader charismatique ; les castes supérieures, parmi lesquelles se recrutaient nombre de ses électeurs et ses relais locaux, lui préfèrent de plus en plus le BJP ; enfin, les musulmans, les basses castes et les tribus votent plus volontiers pour les partis de gauche. Une stratégie clientéliste, du type de celle qui fonctionnait avec ces derniers groupes, est envisageable mais l'échéance électorale est proche et surtout le Congrès souffre d'autres maux : les divisions internes sont nombreuses et l'image du parti s'est beaucoup détériorée.

Le Congrès ne semble donc pas en mesure d'opérer le redressement spectaculaire qui lui permettrait de remporter une majorité des sièges en 1996. Cela ne signifie cependant pas que le parti soit menacé de marginalisation comme le petit nombre de sièges qu'il a récemment remportés lors d'élections régionales pourrait le faire croire. Premièrement ces chiffres reflètent mal la force que conserve le Congrès en termes de suffrages exprimés en raison de la distorsion inhérente au scrutin majoritaire à un tour, ainsi que le montre bien le tableau ci-dessous, où l'on a seulement fait figurer le Congrès et ses deux principaux rivaux dans les Etats où il a essuyé les plus sévères défaites en 1994-1995.

Etats et années	Premier parti	Deuxième parti	Troisième parti
Andhra Pradesh (1994)	Telugu Desam 214 sièges 42,2 % des voix	Congrès 26 sièges 32,3 % des voix	BJP 3 sièges 3,8 % des voix
Goudjerat (1993)	BJP 121 sièges 42,5 % des voix	Congrès 45 sièges 32,7 % des voix	Janata Dal 0 2,8 % des voix
Karnataka (1994)	Janata Dal 115 sièges 33,2 % des voix	BJP 40 sièges 16,7 % des voix	Congrès 36 sièges 27,3 % des voix
Maharashtra (1995)	BJP/Shiv Sena 127 sièges 29,8 % des voix	Congrès 71 sièges 30,8 % des voix	

En outre, l'électeur indien distingue bien entre les scrutins nationaux et régionaux : il est plus porté à voter pour le Congrès lorsqu'il s'agit du destin de la nation, tandis qu'il votera plus volontiers pour des partis d'opposition, et en particulier pour des partis régionaux (voire régionalistes), lorsqu'il est appelé à renouveler les assemblées des Etats fédérés. De son côté, l'opposition ne peut espérer renverser le parti au pouvoir si elle n'est pas unie ; or, la formation d'un front de l'opposition, comme en 1989, paraît très improbable étant donné que le BJP et la mouvance Janata Dal n'ont pas grand chose en commun. L'alliance du BJP et du BSP en Uttar Pradesh ne devrait pas se prolonger par un accord électoral. Le premier demeure identifié au nationalisme hindou de hautes castes tandis que le second défend les basses castes et reçoit depuis peu le soutien des musulmans. Dans le cadre d'un mode de scrutin uninominal à un tour, cette division est rédhibitoire.

L'éventualité la plus probable réside sans doute dans une majorité de coalition. Cette

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issue est aujourd'hui envisagée avec appréhension par de nombreux observateurs indiens : car le rapport des forces est à présent tel entre le Congrès, le BJP et les partis de gauche qu'il faudrait probablement que deux de ces forces s'unissent pour former une majorité ; or aucun rapprochement ne se dessine et ne sera facile. Cette configuration du jeu politique laisse craindre des alliances instables et donc un affaiblissement du pouvoir. C'est d'ailleurs dans cette perspective que des leaders du BJP et certains congressistes ont relancé le débat en faveur d'une réforme constitutionnelle pour donner à l'Inde un système présidentiel où l'autorité de l'Etat serait à l'abri des vicissitudes des coalitions. Ce débat a peu de chances d'aboutir, en tout cas avant les élections de 1996, et traduit peut-être une dramatisation excessive de l'enjeu. Quelles pourraient en effet être les conséquences d'un retour à l'instabilité parlementaire des années 1989-1991, lorsque trois Premiers ministres s'étaient succédé en un an et demi ?

En termes politiques, l'impact ne devrait pas être considérable. Les précédents du même type suggèrent que l'échec des coalitions (en 1977-80 et 1989-91) débouche sur des élections anticipées et des réalignements politiques propres à rétablir une majorité, que ce soit celle d'un parti ou d'une alliance plus solide. Peut-être une nouvelle phase d'instabilité favoriserait-elle les tenants d'une « présidentialisation » du système politique, mais l'essentiel ne serait sans doute pas remis en cause : l'Inde a fonctionné sur le mode démocratique depuis 1947 (hormis la parenthèse de l'état d'urgence) et aucune formation ne semble en mesure de remettre en cause *de façon durable* l'organisation d'élections à intervalles réguliers.

En termes économiques, l'instabilité politique avait été, en 1990-91, un des facteurs de la crise des paiements extérieurs, les gouvernements qui se succédaient à un rythme rapide préférant vivre à crédit plutôt que de prendre les mesures qui s'imposaient. Le risque d'une dérive liée à l'instabilité politique existe toujours, mais sous une forme probablement un peu atténuée en raison des réformes récentes : la libéralisation engagée en 1991 a en effet soustrait à l'influence de l'Etat certains pans de l'économie.

L'autre interrogation que soulève l'éventuelle défaite du Congrès concerne naturellement la poursuite de ces réformes. La montée en puissance de certains partis d'opposition peut constituer une menace pour certains volets de la politique en cours.

Les positions affichées par les partis se situant à la gauche du Congrès sont ambiguës et il faudra sans doute attendre la campagne électorale de 1996 pour voir ces partis reconstituer le National Front créé à la fin des années quatre-vingt de façon effective[19] - pour qu'un processus de décantation s'opère et qu'une formulation claire de leur programme économique se cristallise. Pour le moment, on observe de la part des communistes au pouvoir au Bengale occidental une volonté d'ouverture aux investissements étrangers perçus comme un moyen de réindustrialiser l'Etat. Le Telugu Desam Party au pouvoir en Andhra Pradesh, le Samajwadi Party en Uttar Pradesh et les

[19] Bien des leaders - dont P.V. Singh - œuvrent dans ce sens mais ils sont aujourd'hui confrontés à deux types de difficultés : les divisions internes à la mouvance Janata et l'éviction de Rama Rao, le président du National Front, de la direction du Telugu Desam Party en septembre 1995. Ce coup de force a été réalisé par un de ses gendres, qui a aussi pris la tête du gouvernement de l'Andhra Pradesh avec l'aide du Congrès, dont on peut apprécier ici la capacité à se trouver des alliés dans le camp adverse, voire à susciter des défections : cette habileté tactique, au même titre que la faculté d'établir de nouveaux liens clientélistes, reste une ressource du Congrès.

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gouvernements Janata Dal du Karnataka semblent partager les mêmes conceptions. Même Laloo Prasad Yadav, le chef du gouvernement du Bihar et l'homme fort du Janata Dal dans le Nord hindiphone, la zone de prédilection de ce parti, s'est récemment rendu à Singapour et en Thaïlande pour essayer d'attirer des investisseurs étrangers. Néanmoins, les courants de la nébuleuse Janata et bien sûr les communistes demeurent fidèles à une idéologie de gauche qui s'est longtemps articulée autour de l'anti-impérialisme, c'est-à-dire l'opposition au capitalisme et aux multinationales de l'Occident, sa principale incarnation. L'ouverture actuelle aux investisseurs étrangers reflète sans doute le poids des contraintes socio-économiques : pour relancer l'activité, les gouvernements régionaux n'ont d'autre choix que de s'adresser à l'extérieur (de préférence en Asie, mais cela ne saurait suffire). Dans ces conditions, un revirement n'est pas à exclure dès lors qu'ils auront recouvré une réelle marge de manœuvre, surtout si la propagande anti-impérialiste se révèle à nouveau payante au plan électoral.

Le BJP, qui se situe, lui, à la droite du Congrès, dénonce aujourd'hui la politique économique de Narasimha Rao d'un point de vue nationaliste. Sa propagande, qui s'est particulièrement intensifiée lors de la ratification du GATT par l'Inde, porte, de façon classique et non dénuée de populisme, sur le fait que le gouvernement est en passe de vendre l'Inde aux multinationales et de sacrifier les entreprises indiennes (industrielles comme agricoles). Le BJP se fait aujourd'hui l'avocat d'une ouverture sélective dont seraient exclues les entreprises opérant dans le secteur des biens de consommation et n'apportant pas à l'Inde les technologies et le savoir-faire dont elle a besoin. Ces prises de position nuancées ne se vérifient cependant pas tout à fait en pratique. Après que les nationalistes hindous, le BJP et un parti régional, la Shiv Sena, eurent remporté en mars dernier les élections au Maharashtra, l'Etat le plus industrialisé, ils ont remis en cause un très gros contrat conclu entre le précédent gouvernement et une firme américaine, Enron, qui ne portait pas sur des biens de consommation, mais sur une centrale électrique. Cette décision fut approuvée par tous les partis, y compris le Janata Dal, à l'exception du Congrès, et fut largement interprétée comme une décision politique en dépit des arguments techniques et moraux invoqués par les nationalistes hindous[20]. La montée en puissance du BJP, qui ne devrait toutefois pas lui permettre de remporter les élections de 1996 en raison de sa faiblesse à l'est d'une ligne Patna/Trivandrum où il plafonne à 10 % des suffrages exprimés, pèsera certainement sur la tonalité de la campagne dans un sens nationaliste.

Si le BJP est hostile à la « globalisation », il est très favorable à la libéralisation interne, élément très ancien de son programme que les milieux marchands, dans lesquels le parti recrute nombre se ses soutiens, se sont toujours efforcés de promouvoir. En réalité, le désengagement de l'Etat de l'économie indienne suscite un semi-consensus : peu de dirigeants politiques sont prêts à privatiser des entreprises publiques par crainte de mouvements sociaux, mais la plupart des partis s'accordent à considérer que l'initiative privée doit être libérée du carcan des réglementations étatiques introduites à l'époque Nehru et qui n'ont pas encore toutes disparu. C'est l'ouverture au marché mondial qui demeure problématique dans bien des milieux, y compris d'affaires, nombre de firmes

[20] L'accusation selon laquelle Enron avait conclu le contrat au prix fort, en vertu de quoi le gouvernement du Maharashtra a décidé de poursuivre la firme américaine en justice, en recouvrait une autre en termes à peine voilés, celle de corruption.

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ayant prospéré à l'abri de protections douanières. L'acquis des années 1991-1995 est donc considérable dès lors que l'Inde s'est réconciliée avec le marché. L'étape suivante - qui risque de prendre davantage de temps - consistera sans doute dans la prise de conscience qu'un découplage de la libéralisation interne et de l'ouverture extérieure est difficilement réalisable dans la mesure où la modernisation de l'économie visée par la première implique des importations de biens de production - sauf à ne progresser que très lentement - et que ces achats devront bien être pour partie financés par l'extérieur (exportations et investissements extérieurs) ; sans compter la demande croissante de biens étrangers (automobiles, hi-fi, etc.) par une classe moyenne dont les rangs vont nécessairement être grossis par la libéralisation interne.

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*THE JAMMU AND KASHMIR CIVIL SERVICES (LEAVE) RULES, 1979

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) These rules may be called "The Jammu and Kashmir Civil Services (Leave) Rules, 1979".

(2) They shall come into force on Ist January, 1979.

3. *Extent of application.*—Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the State but shall not apply to :—

(a) apprentices, persons in casual or daily rated or part-time employment ;

(b) persons paid from contingencies ;

(c) workmen employed in Industrial establishments ;

(d) persons in work-charged estalishments ;

(e) members of the All India Services ;

(f) persons employed on contract except when the contract provides otherwise ;

(g) persons in respect of whom special provisions have been made by or under the provisions of the constitution or any other law for the time being in force ;

(h) persons in service on 1-1-1979 who have opted to be governed, for purposes of leave, by the Jammu and Kashmir Civil Services Regulations ;

(i) persons serving under the State Government on deputation from the other State Governments or the Central Government or any other source, for a limited duration.

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*Sanctioned vide Finance Department Notification SRO-44 of 1979 dated 18-1-1979.

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Note.—See also rule 74.

4. *Definition.*—(1) In these rules, unless the context otherwise requires :—

(a) "Authority competent to grant leave" means the authority specified in column (3) of the First Schedule to these rules competent to grant the kind of leave specified in the corresponding entries in column (2) of the said Schedule ;

(b) "Completed years of Service" or "one year's continuous service" means continuous service of specified duration under the State Government and includes the period spent on duty as well as on leave including extraordinary leave ;

(c) "Compulsory retirement/Date of retirement" in relation to a Government servant means the afternoon of the last day of the month in which the Government servant attains the age prescribed for such retirement under the terms and conditions governing his service.

Explanation.—For purposes of this rule an employee whose date of birth falls on first day of any month will attain the age of retirement on the afternoon of the last day of the preceding month.

(d) "Form" means a Form appended to the second schedule to these rules ;

(e) "Government servant in quasi-permanent employ" means an officer, declared as quasi-permanent under the Jammu and Kashmir Civil Services (Temporary Service) Rules, 1961 ;

(f) "Government servant in permanent employ" means an officer who holds substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended ;

(g) "Vacation Department" means a department or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in the Jammu and Kashmir Civil Service Regulations, shall have the meanings respectively assigned to them in the Jammu and Kashmir Civil Services Regulations.

5. *Government servants on temporary transfer or on foreign service.*—Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to any establishment or department to which these rules do not apply or while on deputation or on foreign service.

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6. *Transfer from service or posts governed by other leave rules.*— Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply, when transferred to a service or post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in rule 26 (b) (i). The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the Department (unless the Department is the same) or the Government from which the Government servant is transferred.

7. *Permanent absorption in Public Enterprises.*—A Government servant who while on deputation to a Public Sector Undertaking/ autonomous body, opts for permanent absorption in any such enterprise, will have his title to earned leave protected. In all such cases the Public Enterprises where the Government servant gets absorbed will take over the liability of earned leave which the optee had at his credit at the time of permanent absorption and in return the Government shall pay to the Public Enterprise a lump sum equal to leave salary for the earned leave due to the Government servant on that date.

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CHAPTER II

General Conditions.

8. (i) Leave cannot be claimed as a matter of right.

(ii) When the exigencies of Public Service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for, except at the written request of the Government servant.

9. *Regulation of claims to leave.*—A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

10. *Effect of dismissal removal or resignation on leave at credit.*—(i) Except as provided in rule 36 and this rule, any claim to leave to the credit of a Government servant who is dismissed or removed or who resigns from Government service ceases from the date of such dismissal or removal or resignation.

(ii) Where a Government servant applies for another post under the State Government but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one such resignation shall not result in the lapse of the leave to his credit.

(iii) Unless it be otherwise provided in the reinstatement order or in any separate order a Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(iv) A Government servant who having retired on compensation or invaild pension or gratuity is re-employed and allowed to count his past service for pension shall be entitled to count his former service towards leave.

11. *Commutation of one kind of leave into another.*—(i) At the request of a Government servant the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but, the Government servant cannot claim such commutation as a matter of right.

(ii) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally

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granted to the Government servant, that is to say, amount paid to him in excess, if any, shall be recovered or any arrears due to him shall be paid.

Note.—Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of rule 30.

12. *Combination of different kind of leave.*—Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation.—Casual leave which is not recognised as leave under these rules shall not be combined with any other kind of leave admissible under these rules. Special casual leave shall however, be allowed to be combined with other leave subject to provisions of rule 60.

13. *Maximum amount of continuous leave.*—Unless the Government in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

14. *Acceptance of service or employment while on leave.*—(i) A Government servant while on leave, shall not take up any service or employment elsewhere, including the setting up of a private professional practice as an Architect, Accountant, Consultant or legal or medical practitioner, etc. without obtaining the previous sanction of the authority competent to appoint him if the employment/profession lies within the country and of the Government, in case it is outside the country.

Exception.—Government servants who have been permitted to undertake private practice or any casual literary work or any similar employment are exempted from the operation of the above rule.

(ii) (a) No permission for private employment shall ordinarily be allowed during leave other than leave preparatory to retirement.

(b) A Government servant desirous of taking up service or employment under a non-Government employer may be required to resign his appointment before taking up any other service or employment, except where grant of permission to serve elsewhere is considered desirable in any exceptional case. In the latter case a Government servant shall be treated as temporarily transferred to the private body/organisation from his parent organisation. He will neither be treated as on leave, nor allowed any pay and allowance

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for the period involved. The period of such absence shall not, however, exceed the total period of leave due to him at the time of his joining other service subject to a maximum of 5 years. The Government servant may have a right to return to his parent service/Department during such absence provided the post from which he proceeded exists at the time of his return and has not been filled up substantively. In case of his re-absorption in State service such a Government servant will count for leave (and also pension) his service prior to his taking up service elsewhere. He will forfeit the benefits of promotion, increase in pay etc. which but for his taking up service elsewhere would have become due to him in the normal course during the period of his absence.

(iii) (a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the State Government and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under clause (a) shall be treated as un-utilised leave and the Government servant granted cash in lieu of leave salary after his retirement subject to the provisions of rule 37.

(c) In respect of any period of employment during leave preparatory to retirement, he shall earn leave at the rate of 2½ days per month.

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CHAPTER III

Grant of and Return from Leave

15. *Application for leave.*—Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

16. *Leave Account.*—A leave account shall be maintained in Form 2 for each Government servant by the Head of Office or the Drawing Officer, as the case may be.

17. *Verification of title to leave.*—(i) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

(ii) (a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding 60 days.

The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued where necessary.

Note.—In the case of leave preparatory to retirement an undertaking for recovery of the leave salary, if any, paid in excess shall be taken from the Government servant.

18. *Leave not to be granted in certain circumstances.*—Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or prematurely retire from Government service. No leave shall be granted when a person is under suspension.

19. *Grant of leave on medical certificate.*—(i) An application for leave on medical certificate, made by a Government servant, shall be accompanied by a Medical Certificate in Form 3 given by an Authorised Medical Attendant or an Assistant Surgeon or above holding registerable qualifications for All India Register, defining as clearly as possible the nature and probable duration of the illness.

(ii) A Medical Officer shall not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties and in such case, the opinion that the Government servant is permanently unfit for Government service shall be recorded in the Medical Certificate.

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(iii) The authority competent to grant leave may, at its discretion secure a second medical opinion by requesting a Government Medical Officer not below the rank of a District Medical Officer/Civil Surgeon to have the applicant medically examined on the earliest possible date.

(iv) It shall be the duty of the Government Medical Officer referred to in sub-rule (iii) to express an opinon both as regards the facts of the illness, and as regards the necessity for the amount of leave recommended and for that purpose he may either require the applicant to appear before himself or beofre a Medical Officer nominated by himself.

(v) The grant of medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave, the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(vi) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not however, exceeding three days at a time. Such leave shall not however be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

20. *Leave to Government servant who is unlikely to be fit to return to duty.*—(1) (a) When a medical authority has reported that there is no reasonable prospect that the Government servant will ever be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) The leave may be granted, if due, by authority competent to grant leave on the following conditions :—

(i) If the medical authority is unable to say with certainty that the Government servant will never again be fit for service, leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority.

(ii) If a Government servant is declared by a medical authority to be completely and premanently incapacitated for further service, leave or an extension of leave be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the leave account, together with any periods of duty beyond the date of the report of the medical authority does not exceed six months.

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(2) A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall :—

(a) If he is on duty, be invalided for service from the date of relief of his duties, which should be arranged without delay on receipt, of the report of the medical authority ; if however, he is granted leave under sub-rule (1) he shall be invalided from service on the expiry of such leave.

(b) If he is already on leave, be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under sub-rule (1).

21. *Commencement and termination of leave.*—Except as provided in rule 22, leave ordinarily begins on the day on which the transfer of charge is effected or a report of departure on leave is submitted and ends on the day preceding that on which the charge is resumed or a report of joining the duties is submitted.

22. *Combination of holidays with leave.*—(i) Prefixing and suffixing holidays to leave other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing and suffixing holidays to leave is specifically withheld. In the case of leave on medical certificate, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday, he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

(ii) For purposes of sub-rule (i) above the term "holiday" shall mean such holidays on which Government Offices remain closed for transaction of public business without reserve or qualification. It shall not include restricted holidays.

(iii) Unless the authority competent to grant leave in any case otherwise directs,—

(a) If holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances takes effect from the day after the holidays ; and

(b) If holidays are suffixed to leave , the leave is treated as having terminated and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

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23. *Recall to duty before expiry of leave.*—A Government servant recalled to duty before the expiry of his leave shall be entitled to :—

(a) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw :—

(i) travelling allowance equal to the amount admissible for the journey on tour ; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.

(b) If the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive :—

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining the post, at the same rate at which he would have drawn it but for recall to duty :

(ii) a free passage to India ;

(iii) travelling allowance, under sub-rule (a) (i) for travel from the place of landing in India to the place of duty.

24. *Return from leave.*—A Government servant on leave] [shall not return to duty :—

(i) before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave ;

(ii) notwithstanding anything contained in sub-rule (i), a Government servant on leave preparatory to retirement shall be precluded from returning to duty save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement ;

(iii) a Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in From 4 from an authorised Medical Attendant or an Assistant Surgeon or above holding registerable qualifications for all India Register or the District

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Medical Officer or a Medical Officer of equivalent or higher status or the Medical Superintendent of the hospital concerned.

Note 1.—A Government servant who has been suffering from tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommended light work for him.

Note 2.—In the case of leave on medical certificates, if the day on which an employee is certified medically fit for rejoining duty happens to be a holiday he shall be automatically allowed to suffix such holiday(s) to his medical leave and such day(s) shall not be counted as leave.

25. *Absence after expiry of leave.*—(1) Unless the authority competent to grant leave extends the leave a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half-pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action

Exception 1.—Whenever a Government servant is detained on the road owing to its being blocked by land slips snow etc., he may be treated as, on duty during the period of unavoidable detention, but will be entitled, until he rejoins his appointment, to draw leave allowances.

The above concessions will not apply in cases of overstayal of casual leave or quarantine leave such leave not recognised leave.

This shall be deemed to have come into force from 1-1-1979.

Exception 2.—Whenever a Goverument servant, on his return from leave (other than casual leave or quarantine leave) is detained owing to cancellation of air flight due to bad weather or otherwise, he may be treated as on duty for the period of un-avoidable detention, subject to a maximum of two days. For the period of enforced halt, he will be entitled until he rejoins his appointment, to draw leave allowances only.

Inserted vide Finance Department Notification SRO-547 dated 26-9-1979

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CHAPTER IV

Kinds of leave due and admissible

26. *Earned leave for Government servants serving in a Drpartment other than vacation Department.*—(a) (i) A Government servant who is serving in a Department other than a Vacation Department, shall be entitled to 30 days earned leave in a calendar year.

(ii) The leave account of every Government servant shall be credited at the commencement of each calendar half year at a uniform rate of 15 days each on the first January and July every year.

(iii) The credit afforded under clause (ii) above shall be reduced by 1/10th of the period of extraordinary leave/dies non availed of during the previous half year, subject to a maximum of 15 days.

(b) (i) The leave at the credit of a Government servant at the close of the previous half year shall be carried forward to the next half year subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the maximum limit of 180 days :

[1]"Provided that, with effect from 1-1-1988, the maximum limit for accumulation of earned leave shall be 240 days."

(ii) If a Government servant is on leave on the last day of any particular half of a calendar year, he shall be entitled to earned leave credited on the first of the succeeding half year provided authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry.

(iii) The credit for the half year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of $2\frac{1}{2}$ days per completed calendar month up to the date of retirement or resignation.

(iv) When a Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of $2\frac{1}{2}$ days per completed calendar month up to the end of the month preceding the month in which he is removed or dismissed from service or dies in service.

(v) When a Government servant is appointed during the course of a calendar half-year the earned leave should be credited to his leave account at the rate of $2\frac{1}{2}$ days for each completed month of service which he is likely to render in the calendar half-year in which he is appointed. For example he is appointed on 13th March the number of completed months of his service in that half year will be 3 and the credit will be $3 \times 5/2 = 7\frac{1}{2}$ days rounded to 8 days.

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1. Inserted vide F. D. Notification SRO-202 dated 14-6-1990

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(vi) While affording credit of earned leave fractions of a day will be rounded off to the nearest day.

(c) (i) A period spent in foreign service shall count as duty for purposes of this rule if contribution towards leave salary is received on account of such period.

(2) Subject to the provisions of rule 8 and sub-clauses (a) (i) and (b) (i) of this rule, the maximum earned leave that may be granted at a time shall be 120 days.

27. *Earned leave for persons serving in Vacation Departments.*— (1) A Government servant serving in a vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he availed himself of the full vacation.

(2) (a) In respect of any year in which a Government servant avails himself of a portion of the vacation he shall be entitled to earned leave in such proportion of 30 days as the number of days of vacation not taken bears to the full vacation :

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(b) If in any year, the Government servant does not avail himself of any vacation earned leave shall be admissible to him in respect of that year under rule 26.

Explanation.--For the purposes of this rule, the term "Year,, shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a vacation Department.

Note 1.- A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forego such vacation or portion of a vacation :

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation he shall be considered to have availed himself of no portion of the vacation.

Note 2.—When a Government servant serving in a vacation Department proceeds on leave before completing a full year of duty the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacations that fall during the year commencing from the date on which he completed the previous year of duty.

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[1]Note 3.—Notwithstanding anything contained in this Rule, a Government servant belonging to a vacation Department (and entitled to enjoy regular vacation) if detained on duty during any vacation or portion of vacation, in connection with Invigilation/Supervision/Evaluation of papers, relating to any examination conducted by any Institute/Board/University etc. and for which he is paid remuneration on prescribed rates, shall not be allowed any earned leave for such period of vacation. However, such Government servants can opt to surrender the amount of remuneration prescribed and admissible for such assignment and in lieu thereof have the period of such vacation/portion thereof to be allowed to count for earned leave under the provisions of this rule.

(3) Vacation may be taken in combination with or in continuation of any kind of leave admissible under these rules :

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government servant at a time under rule 26 ;

Provided further that the limitation prescribed above shall not apply when vacation, earned leave and commuted leave are taken in conjunction.

[2]27-A. A Government servant whether in a vacation Department or in a non-vacation Department will be allowed to have the period of joining time which he may not have availed on transfer from one station to another either under the orders of the competent authority or of his own accord, credited to his earned leave account.

28. *Half pay leave.*—(1) (a) A Government servant shall be entitled to half pay leave of 20 days in respect of each completed year of service.

(b) The leave due under clause (a) may be granted on medical certificate or on private affairs :

Provided that in the case of a Government servant not in permanent employ or quasi-permanent employ, no half pay leave may be granted unless the authority competent to grant leave certifies that the post from which the official proceeds on leave is likely to continue even beyond the date of end of his leave and that authority has reason to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a Medical Authority.

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1. Inserted vide SRO-471 dated 30-11-1989.
2. Inserted vide F. D. Notification SRO-401 dated 18-8-1984.

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(2) If a Government servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

29. *Commuted Leave.*—(1) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate to a Government servant subject to the following conditions :—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry and records necessary certificate as required under proviso to sub-rule (b) of rule 28 in the case of temporary Government servants ;

(b) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due ;

(c) half-pay leave up to a maximum of 180 days shall be allowed to be commuted during the entire service where such leave is utilized for an approved course of study i. e. a course which is certified to be in the public interest by the leave sanctioning authority ;

Provided that no such commutation shall be allowed to a Government servant who is allowed study leave for prosecuting of a course of study.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave shall be recovered :

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

Note.—Commuted leave may be granted at the request of the Government servant even when earned leave is due to him.

[1]Government Instructions :

When a Government servant is certified medically fit for joining duty, holidays if any succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave and holidays if any, preceding the day on which he is certified to be fit shall be treated as part of leave.

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1. Inserted vide F. D. Notification SRO 229 dated 5-6-1982.

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30. *Leave not due.*—(1) Save in the case of leave preparatory to retirement leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ subject to the following conditions :—

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry ;

(b) leave not due shall be limited to the half-pay leave he is likely to earn thereafter ;

(c) leave not due during the entire service shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be allowed otherwise than on medical certificate ;

(d) leave not due shall be debited against the half pay leave the Government servant may earn subsequently.

Note.—A Government servant whose period of suspension is treated as leave whatever kind due cannot be allowed the benefit of "Leave not due" for the whole or a part of the period of suspension.

(2) (a) Where a Government servant who has been granted leave not due, resign from service or is at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resigning or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently ;

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death or in the event of his having been retired prematurely under Article 226 (2) of the J&K Civil Service Regulations.

31. *Notwithstanding anything contained in rule 30* (1).—"Leave not due" may be granted to temporay Government servant who are suffering from T. B., Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service subject to the fulfilment of conditions in clauses (a), (b) and (d) of sub-rule (1) of rule 30 and also subject to the following further conditions :—

(i) that the Government servant has put in a minimum of one year's service ;

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(ii) that the post from which the Government servant proceeds on leave is likely to last even beyond the date of his return to duty; and

(iii) the request for grant of such leave is supported by a medical certificate as envisaged in Note below sub-clause (c) of sub-rule (2) of rule 32.

32. *Extraordinary leave.*—(1) Extraordinary leave may be granted to a Government servant in special circumstances :—

(a) when no other leave is admissible ;

(b) when other leave is admissible but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the Government in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits :—

(a) up to three months without a medical certificate ;

(b) up to six months where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under the rules including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate for common ailments as required by these rules ;

(c) Up to 18 months on medical certificate where the Government servant who has completed one year's continuous service is undergoing treatment, for cancer or any other disease which is certified by the Director Health Services or Principal Medical College as life consuming, or for mental illness, pulmonary tuberculosis or pleurisy or tubercular origin, tuberculosis of any part of the body and leprosy.

Note 1.—For grant of leave under sub-rule (c) a Government servant should produce a medical certificate from the Medical Suprintendent of the Institution recognised for treatment of the disease from which he is suffering or from a specialist in such disease of the rank of an Associate Professor of a Medical College or, equivalent to him; or above him. The medical authority issuing the certificate will *inter alia* certify that the Government servant is under his treatment or is under treatment in the Institution and has reasonable chances of recovery on the expiry of the leave recommended.

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[1]Note 2.—Temporary B. Sc. teachers in service, in the School Department who may intend to undergo as private candidates M. Sc. Course/M. A. in Mathematics be allowed by the Administrative Department leave without allowances exceeding 3 months but not beyond a period of two years provided there is dearth of post-graduate teachers in that subject. Acquisition of post-graduate qualifications by them will not however entitle them to any higher grade or pay other than what is admissible in the normal course under rules.

(d) Twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a).

[2](e) The wives of defence services personnel who may be serving in civil services in temporary capacity may be allowed extraordinary leave without allowances up to a period of six (6) months at a time during the period their husbands remain posted to family stations other than the one where their wives may be serving. The concerned will rejoin their duties soon after their husbands are posted to non-family stations/operational areas or within six months from the date of proceeding on leave whichever is earlier. The fact of posting at a family station and the period of such posting shall be got certified from the concerned Army quarters.

(3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (d) of sub-rule (2) he shall be required to execute a bond in Form No. 5 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of 3 years after return to duty.

(b) The bond shall be supported by sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.

(4) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purpose of sub-rule (2).

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1. Inserted vide F. D. Notification SRO-276 dated 8-7-1982.

2. Inserted vide F. D. Notification SRO-614 dated 13-11-1979.

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(5) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. *Leave to a probationer and a person on probation.*—(1) (a) A probationer shall be entitled to leave under these rules as if he has held his post substantively otherwise than on probation.

(b) If for any reason, it is proposed to terminate the services of a probationer any leave which may be granted to him shall not extend :—

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post :

Provided that where such person already holds a lien on a permanent post before such appointment, he shall he entitled to leave under these rules as a permanent Government servant.

34. *Person re-employed after retirement.*—In the case of a person re-employed after retirement the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. *Leave preparatory to retirement.*—(i) A Government servant may be permitted by the competent authority to take leave preparatory to retirement to the extent of earned leave due, not exceeding 240 days, together with half pay leave due, subject to the condition that such leave extends up to and includes the day preceding the date of retirement.

Note.—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

36. *Leave beyond the date of retirement or quitting of service.*—(1) Except as provided hereinafter, no leave shall be granted to a Government servant beyond :—

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

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(d) the date of his resignation from service.

(2) A Government servant may avail in full or in part the earned leave at his credit subject to a maximum of 1240 days preparatory to his retirement. Where a Government servant avails of only part of such leave or where the leave preparatory to retirement if applied by him is refused to him, he will be allowed the benefits of rule 37 for the earned leave that remains at his credit on the date of retirement.

(3) A Government servant who retires from service on attaining the age of retirement while under suspension shall become eligible for the benefit of cash equivalent in respect of earned leave that was at his credit on the date of his retirement, calculated in the manner prescribed in rule 26 on conclusion of the proceedings against him if the authority competent to reinstate him in service holds that the suspension was wholly unjustified.

(4) Where the service of a Government servant has been extended in the public interests beyond the date of his retirement he may be granted earned leave as prescribed in rule 26 as follows :—

(a) during the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which was at his credit on the date of his attaining age of retirement ;

(b) after the expiry of the period of extension he may be allowed in accordance with rule 37 cash equivalent of leave salary for the un-utilised period of leave out of the earned leave which was at his credit on the date of his attaining the age of retirement, plus the unutilised period out of the earned leave, that he earned during the period of extension subject to overall maximum of 1240 days.

(5) (i) A Government servant to whom clause (c) of sub-rule (1) applies may be granted leave due and admissible to him which may extend beyond the date on which he retires or is retired from service, but not extending beyond the date of retirement :

Provided that a Government servant who is retired by Government by giving him pay and allowances in lieu of notice may apply for leave within the period for which such pay and allowances were given and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

(ii) The leave salary and allowances as may be due under (i) above will be paid in lump sum as one time settlement.

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1. Substituted vide F. D. Notification SRO-202 dated 14-6-1990.

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(6) (i) Where the service of a Government servant not in permanent employ is terminated by notice or on payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted earned leave to his credit, subject to a maximnm of [1]240 days even though such leave extends beyond the date on which he ceases to be in service. If the Government servant himself resign or quits service, he may be granted earned leave to the extent of half such leave, to his credit subject to a maximum of [1]120 days :

Provided that the leave so granted to such Government servant other than a Government servant re-employed after the date of retirement does not extend beyond the date of his retirement.

(ii) The amount equivalent to leave salary and allowances, if any, admissible during such leave shall be paid in lump sum as one time settlement.

37. *Cash in lieu of leave salary.*—(1) A Government servant may be paid cash equivalent of leave salary in respect of priod of earned leave at his credit at the time of retirement on superannuation.

(2) This concession will be subject to the following conditions :—

(i) the payment of cash equivalent of leave salary shall be limited to a maximum of 240 days of earned leave ;

(ii) the cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement ;

(iii) cash payment will be equal to leave salary admissible for earned leave and dearness allowance admissible on the leave salary at the rates in vogue on the date of retirement. No other allowance like compensatory allowance, Border allowance, Muffasil allowance, House rent allowance, or any other allowance will be admissible as part of leave salary ;

(iv) the authority competent to grant leave shall suo moto issue order granting cash equivalent of earned leave at credit on the date of retirement.

[1](v) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in view of such authority there is possibility of some

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1. Substituted vide F. D. Notification SRO-202 dated 14-6-1990

2. Inserted vide F. D. Notification SRO-130 dated 6-4-1984.

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money becoming recoverable from him on conclusion of proceedings against him on conclusion of proceedings, he will become eligible to the amount so withheld, after adjustment of Government dues, if any.

(3) The benefit of sub-rules (1) and (2) above will not be applicable in the following cases :—

(a) premature/voluntary retirement under Article 226 (2) or 226 (3) and Article 230 of the J&K Civil Services Regulations or any other corresponding rule ; and

(b) persons who are compulsorily retired as a measure of punishment.

Benefit of cash in lieu of earned leave to Government servants who retire voluntarily

[1](4) Notwithstanding the provisions contained in sub-rule (3) above Government servants who may seek voluntary retirement after 1-4-1982 under Article 230 of the Jammu and Kashmir Civil Service Regulations, shall be allowed the benefit of cash equivalent of leave salary in respect of the period of earned leave at credit at the time of voluntary retirement subject to a maximum of [2]240 days, in the same manner as is admissible in respect of retirements on superannuation.

[3](5) The benefit of sub-rules (1) and (2) above shall be available to the Government servants of vacation Department also in respect of any amount of earned leave earned by them in terms of the provisions of Rule 27.

Pending cases if any shall be decided accordingly.

[4](6) Notwithstanding anything contained in sub-rule (3), the benefit of sub-rules (1) and (2) shall be available in the following cases also (besides the cases covered under sub-rule (4) :

(a) Where a Government servant is declared, by a Medical authority, to be completely and permanently incapacitated for further service.

(b) Where a Government servant is retired from service by the Government, under Article 226 (2) or 226 (3) of Jammu and Kashmir Civil Service Regulations.

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1. Inserted vide F. D. Notification SRO-107 dated 30-3-1982.
2. Substituted vide F. D. Notification SRO-202 dated 14-6-1990.
3. Inserted vide F. D. Notification SRO-471 dated 30-11-1989.
4. Inserted vide F. D. Notification SRO 202 dated 14-6-1990.

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(c) Where a Government servant is compulsorily retired as measure of penalty, under the provisions of Rule 30 of Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules 1956 and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity).

37-A. The benefit of encashment of earned leave at credit on the date of attaining age of superannuation shall be allowed to such of the re-employed pensioners also, whose re-employment comes to an end on attaining age of superannuation prescribed for the civil post, but the leave sal ry in such cases shall be calculated on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.

In case such a re-employed pensioner is allowed extension of re-employment beyond the age of attaining superannuation, he may be allowed the above benefit of encashment of leave on the date of final cessation of service on expiry of extension or re-employment in respect of earned leave at credit on the date of superannuation plus earned leave, earned during the period of extension or re-employment reduced by earned leave availed of during such period, subject to a maximum of 1240 days.

38. In case a Government servant[1] dies while in service the cash equivalent of the leave salary that the deceased employee would have got had he goneon earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 1240 days, shall be paid to his family without any reduction on account of pension equivalent of D.C.R. gratuity or family pension etc.

Note 1.—In addition to the cash equivalent of leave salary admissible under this rule the family of the deceased Government servant shall also be entitled to the payment of dearness allowance only on the leave salary.

Note 2.—The provisions of rule 38 are also applicable to re-employed pensioners in respect of leave earned by them during the period of re-employment. The leave salary shall be payable equal to pay drawn during the period of re-employment (exclusive of pension and pension equivalent of gratuity).

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1. Substituted vide F.D. Notification SRO-202 dated 14-6-1990.

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[1]Government Instruction :

Payment of cash equivalent of leave salary in case of death etc. of a Government servant.—In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of the cash equivalent of leave salary payable under leave rules (Rules 37, 37-A and 38) such amount shall be payable :—

(i) to the widow and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant.

Explanation :—The expression "eldest surviving widow" shall be construed with reference to the seniority according to the date of marriages of the surviving widows and not with reference to their ages.

(ii) failing a widow or husband, as the case may be to the eldest surviving son or an adopted son.

(iii) failing (i) and (ii) above to the eldest surviving un-married daughter.

(iv) failing (i) to (iii) above to the eldest surviving widowed daughter.

(v) failing (i) to (iv) above to the father.

(vi) failing (i) to (v) above to the mother.

(vii) failing (i) to (vi) above to the eldest surviving brother below the age of eighteen years.

(viii) failing (i) fo (vii) above to the eldest surviving un-married sister ; and

(ix) failing the above to the eldest surviving sister.

39. *Leave salary.*—(1) A Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

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1. Inserted vide F. D. Notification SRO-194 dated 21-5-1985.

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Note.—A Government servant proceeding on earned leave while in foreign service, will be allowed leave salary equal to pay which he would have drawn in his parent Department but for his deputation on foreign service.

(2) A Government servant on "half pay leave" or "leave not due" is entitled to leave salary equal to half the amount specified in sub-rule (1) above.

(3) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under sub-rule (1)

(4) A Government servant on extraordinary leave is not entitled to any leave salary.

(5) A Government servant will not be permitted during leave preparatory to retirement to take up any other service or employment under any private employer, provided that when a Government servant is permitted to take up service with a Public Sector Undertaking during such leave no reduction in leave salary shall be effected.

(6) (a) If, in the case of a Government servant who retires, or resigns from the service, the leave already availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary, if any, over drawn.

(b) Where the quantum of earned leave already availed of by a Government servant who is dismissed or removed from service or who dies while in service is in excess of the leave credited under rule 26, the overpayment of leave salary shall be recovered in such cases.

40. *Advance of leave salary.*—(i) A Government servant including a Government servant on foreign service, proceeding on leave for a period not less than 30 days may be allowed an advance in lieu of leave salary up to a month's pay.

(ii) The amount of advance should be restricted to the amount of leave salary with allowances for the first month of leave that may be clearly admissible to the Government servant during leave after deductions on account of Income Tax, Provident Fund, House Rent, repayment of advances etc. so that there is no financial risk involved.

(iii) The advance should be adjusted in full in the leave salary bill in respect of the leave availed of. In case where the advance cannot be so adjusted in full, the balance will be recovered from the next payment of pay or/and leave salary.

(iv) The advance may be sanctioned by the Drawing Officer both in the case of Gazetted and Non-Gazetted Officers.

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(v) Advance to the Drawing Officer will be sanctioned by the Head of Office. Officers who are Heads of Offices as well as the Drawing Officers may sanction the advances to themselves.

(vi) The amount of advance will be debited to the Head of Account to which the pay etc. of the Government servant is debited and the adjustment of the advance will be watched through objection book by the audit.

(vii) Advance shall be sanctioned in whole rupees.

(viii) When a Government servant proceeds on leave for more than a month from about the middle of a month the advance in lieu of leave salary may be made on the basis of leave salary payable for one month of leave from the date of commencement of the leave.

(ix) Payment of advance to Government servants on foreign service, who avails of leave during foreign service shall be paid by the foreign employer, and its reimbursement will be claimed from the parent Department of the Government servant responsible for drawing leave salary of the official, duly supported by cash receipts obtained from the Government servant. The amount of advance to the foreign employer will be remitted by a bank draft. If it is found that the advance already paid by the foreign employer is more than the correct amount admisible under the rules, the concerned Department should reimburse only the correct amount and ask the foreign employer to recover the balance from the Government servant direct.

40-A. The leave salary payable under these rules shall be drawn in rupees in India.

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CHAPTER—V

Special kinds of leave (other than study leave).

41. *Moternity leave.*—(1) A female Government servant may be granted maternity leave by the authority competent to grant leave for a period which may extend up to 90 days from the date of its commencement. During such period she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(2) Maternity leave may also be granted in case of mis-carriage including abortion, subject to the conditions that :—

(a) the leave does not exceed six weeks ; and

(b) the application for the leave is supported by a medical certificate as laid down in rule 19.

(3) Maternity leave may be combined with leave of any other kind. Any leave (including commuted leave) for a period not exceeding 60 days applied for in continuation of maternity leave may be granted without production of medical certificate.

(4) Leave in further continuation or leave granted under sub-clause (3) above may also be granted in case of illness of newly borne baby, subject to production of medical certificate to the effect, that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

(5) Maternity leave shall not be debited against leave account.

42. *Special disability leave for injury intentionally inflicted.* — (1) The authority competent to grant leave may grant special disability leave to a Government servant (whether permanent, quasi-permanent or temporary) who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability permit leave to be granted in case where the disability manifested itself more than three months after the occurrence of its cause.

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(3) The period of leave granted shall be such as is certified by an authorised Medical Attendant and shall in no cases exceed 24 months.

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or re-produced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (7) be debited against the leave account.

(7) Leave salary during such leave shall :—

(a) for the first 120 days of any period of such leave including a period of such leave granted under sub-rule (5) be equal to leave salary while on earned leave ; and

(b) for the remaining period of any such leave, be equal to leave salary during half pay leave :

Provided that a Government servant may, at his option be allowed leave salary as in sub-rule (a) for a period not exceeding another 120 days and in that event the period of such leave shall be debited to his half pay leave account.

Note 1.—Leave salary in respect of special disability leave granted to a Government servant who has rendered service under more than one Government may be apportioned between the Governments in accordance with the normal rule.

Note 2.—In the case of a person to whom the Workmen's Compensation Act applies the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under the said Act.

43. *Special disability leave for accidental injury* .—(1) The provisions of rule 42 shall apply also to a Government servant, whether permanent, quasi-permanent or temporary who is disabled by injury accidentally incurred in, or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he hold.

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(2) The grant of special disability leave in such case shall be subject to the further conditions :—

(i) that the disability if due to disease must be certified by a Medical Board to be directly due to the performance of the particular duty ;

(ii) that if the Government servant has contracted such disability during service it must be in the opinion of the authority competent to sanction leave exceptional in character ; and

(iii) that the period of absence recommended by Medical Board may be covered in part by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

44. *Quarantine leave.*—(1) Where, in consequence of the presence of an infectious disease referred to in sub-rule (2) in the family or household of a Government servant at his place of duty, residence or sojourn, his attendance at his office is considered hazardous to the health of other Government servants such Government servant may be granted quarantine leave.

(2) For the purpose of sub-rule (1) Cholera, Small-pox, Plague, Diptheria, Typhus, fever and cerebrospinal meningits may be considered as infectious disease, chiken-pox shall not however be considered as an infectious disease unless the Medical Officer or the Health Officer consider that because of doubt as the true nature of the disease (for example, small-pox) there is reason for the grant of such leave.

(3) (a) Quarantine leave may be granted by the Head of the Office on the certificate of a Medical Officer for a period not exceeding 21 days or in exceptional circumstances 30 days.

(b) Any leave necessary in excess of this period shall be treated as leave due and admissible and shall be debitable to the leave account of the Government servant.

(4) Quarantine leave, subject to the maximum laid down in the sub-rule (3) may be granted when necessary in continuation of other leave.

(5) A Government servant on quarantine leave shall be treated as on duty. No substitute shall be appointed while he is on such leave.

45. *Casual leave.*—Casual leave may be granted to all Government servants who are on the permanent establishment or not, by the immediate Head of the Office concerned for a short period not exceeding 15 days in a year in aggregate. A Government servant

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on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave, however must not be given so as to cause evasion of the rules regarding :—

1. Date of reckoning pay and allowauces ;

2. Charge of Office ;

3. Commencement and end of leave ;

4. Return to duty.

46. For purposes of determining title to casual leave, a calendar year should be taken as the base. Where holidays intervene between casual leaves, these shall not count as part of leave.

Exception.—As the Police, Home Guard, Fire Service Personnel and Warden staff of Jails have to remain on duty even on holidays and days of festivities they shall be eligible to avail casual leave not exceeding 20 days in a year in aggregate. Other conditions regulating grant of casual leave as contained in these rules will aply mutatis mutandis to them.

47. In the case of persons employed for short period or a Government servant who is appointed to a regular post after passage of a part of the year in respect of which casual leave is earned, the amount of casual leave shall be proportionate to the period of emplyment i. e. in the same proportion to 15 days as his period of service in that year bears to the whole year.

Note.—The minimum short leave admissible shall be for half a day. If a Government servant applies for a short leave of any duration up to 3 hours, half day's casual leave shall be debited to his casual account and for leave beyond 3 hours on a working day full days casual leave shall be debited to his account. There is no objection to the grant of half a day's casual leave in conjunction with full days casual leave.

Half a day's leave (casual or earned leave if no casual leave be due) should be debited to the leave account of a Government servant for each late attendance. The Head of the Office or the sanctioning authority may, however, condone late attendance up to an hour as a special case, on not more than two occasions in a month if he is satisfied that the Government servant could not attend the office in time for reasons beyond his control. In case such a course does not ensure punctual attendance, suitable disciplinary action may be taken against habitual late comers, in addition to debiting of half a day's leave to their account.

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48. The amount of casual leave sanctioned at any one time should not exceed 10 days and in combination with holidays, the total period of absence should not exceed 12 days.

49. Casual leave should not ordinarily be combined with move days but in exceptional cases and on the sanctioning authority being satisfied that the Government servant is unable owing to illness or for reasons beyond his control to proceed to the office headquarters or to attend to work, casual leave may be sanctioned in combination with the move days. The limits mentioned at 48 above apply in this case also.

50. Casual leave should not ordinarily be combined with vacation but when a Government servant enjoying regular vacation is forced by unavoidable circumstances to proceed on casual leave in combination with or in continuation of vacation, the Director of Education or the Commissioner of Education as the case may be, may sanction such leave in combination of such vacation.

The powers to sanction casual leave to the Gazetted teaching staff of the Medical Colleges shall vest in the Principal, Medical College, Srinagar/Jammu and to the Gazetted and non-Gazetted teaching staff of the Government Unani and Ayurvedic Colleges shall vest in the Director Health Services.

51. Science scholars working in Universities or other Institutions of the State when required to participate in meetings organised by Scientific Association of repute in India be allowed special casual leave not exceeding 10 days in a year in addition to the normal period of casual leave admissible under rules.

52. (a) Special casual leave may be allowed to a Government servant for a period not exceeding thirty days in any one calendar year. The period of absence in excess of thirty days will be treated as regular leave of the kind admissible under relevant leave rules applicable to the persons concerned. For this purpose Government servant may as a special case be permitted to combine special casual leave with regular leave. Special casual leave should not however, be granted in combination with ordinary casual leave.

[1](b) The special casual leave may be allowed only :—

(i) for participation as a player in sporting events of national or international importance when the Government servant has been duly selected for such participation.

(ii) for participation as an official in any national or international sporting event.

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1. Recast vide F. D. Notification SRO-225 dated 28-5-1984.

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(iii) for organising national or international sporting events or for any assignment given by a National Sports Association.

(iv) for participating in meetings or National Sports Association. Provided that the Government servant is duly nominated to represent the State Association

[1](c) Deleted.

53. Special casual leave not exceeding 30 days may be granted to Government servants whom the J & K Academy of Arts, Culture and Language select for participation in the All India Scheme of Inter-State exchange of culture troups.

54. Special casual leave not exceeding 10 days shall be allowed to an Officer of technical department intending to attend professional or scientific conferences, other than those convened under Government auspicious, provided that the leave sanctioning authority is satisfied that the participation of the official will benefit in acquiring suitable knowledge relating to his line of profession in Government service.

55. Special casual leave not exeeeding 6 working days may be granted in favour of such Government servants as would undergo sterilisation operation (vasectomy or salping ectomy) under the Family Planning Scheme.

56. Special casual leave not exceeding one day may be granted to women employees undergoing I. U. C. D. insertions under the Family Planning Programme.

57. Special casual leave not exceeding 14 days shall be allowed to female Government servant for undergoing non-puerperal sterilisation.

58. Special casual leave up to 7 days may be granted to a regular Government servant whose wife undergoes a non-puerperal tubectomy operation. This will be subject to the production of a medical certificate from the Doctor who performed the operation to the effect that the presence of the Government servant is essential for the period of leave to look after his wife during her convalescence after operation.

59. The concession of special casual leave as indicated in rule 55 and 57 may be allowed equally to staff paid from contingencies or borne on work-charged establishment as have been in a job involving whole time employment (and not merely part time for a

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1. Deleted vide F. D. Notification SRO-225 dated 28-5-1984.

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portion of the day) and have been in service for at least 6 months before undergoing sterilisation operation and I. U. C. D. insertion (in the case of females) and are likely to remain in service for at least 3 months after the opration

60. Occasions may arise when grant of regular leave in combination with special casual leave may be un-avoidable. As for example, a Government servant having undergone sterilisation operation (Vasectomy or salping ectomy) I. U. C. D. insertion and puerperal sterilisation under the family planning scheme may not have recovered within the prescribed period of special casual leave owing to development of certain complicacies necessitating further leave on medical advice. In such cases the Government servant may be granted regular leave or ordinary casual leave as applied for by her/him on the specific medical certificate of appropriate medical authority. But in no case should the same be combined with casual leave as well as regular leave at one time i. e. a person cannot take casual leave in continuation of special casual leave and extend the leave, after expiry of casual leave by regular leave. If in any case a person does not recover within the period of casual leave taken in continuation of special leave the regular leave which he may require after the casual leave will be treated to have commenced from the date of ordinary casual leave.

*60-A. Notwithstanding anything contained in rules 55, 56 57, 58, 59 and 60 a Government servant who may have to proceed on leave in connection with any one or more of the family welfare programmes listed below shall be granted special casual leave as indicated against each programme :—

Vasectomy :

(a) Special casual leave not exceeding 6 working day is admissible to the male Government servant who undergoes sterilisation operation ; if an employee undergoes vasectomy operation for the second time, special casual leave of six days is again admissible on production of medical certificate from the prescribed medical authority to the effect that the first operation was failure and the second operation was actually performed ; and

(b) In case of post sterilisation complication, special casual leave may be granted to cover the period for which the person is hospitalised on production of a certificate from the concerned hospital authority/authorised medical attendant.

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*Inserted vide F. D. Notification SRO 189 dated 12-5-1981.

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Tubectomy :

(a) Special casual leave not exceeding 14 working days is admissible to female Government servants who undergo non-puerperal tubectomy operation. In the event of failure of a sterilization operation, if an employee undergoes tubectomy operation for the second time special casual leave of 14 working days is again admissible on production of a medical certificate from the prescribed medical authority to the effect that the first operation was a failure and the second operation was actually performed.

(b) In case of post sterilization complications, special casual leave may be granted to cover the period for which the person is hospitalised on production of a certificate from the concerned hospital authority/authorised medical attendant.

(c) Special casual leave in the case of puerperal tubectomy operation (i. e. when the operation is done within 2—5 days after the delivery) is not admissible.

(d) Special casual leave up to 7 days is aiso admissible to a male Government servant whose wife undergoes non-puerperal tubectomy operation subject to the production of a medical certificate from the doctor who performed the operation to the effect that the presence of the Government servant is essential for the period of leave to look after the wife during her convalesence after operation.

I. U. D :

One day's special casual leave is admissible to a regular non-industrial female Government servant who undergoes I. U. D. insertion.

Recanalisation :

Special casual leave up to a period of 21 days or actual period of hospitalisation whichever is less, as certified by the Authorised Medical Attendant is admissible to the Government employees who undergo recanalisation operation and are un-married or have less than two children or undergo sterilisation operation for substantial reasons. The special casual leave will be subject to following conditions :—

(i) The operation has been performed in a hospiral/medical college/institute where facilities for recanalisation are available.

(ii) The request for grant of special casual leave is supported by a medical certificate from the doctor who performs the operation to the effect that hospitalisation of the Government servant for the period stipulated therein was essential for operation and post operation recovery.

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General :

1. Special casual leave is not allowed to be combined with casual leave as well as with regular leave at one time (i. e. it can either be combined with casual leave or with regular leave).

2. Sundays and closed holidays intervening in a period of special casual leave are to be taken into account while calculating special leave period.

3. Prefixing of regular leave to special casual leave is also not admissible.

4. The workers out of the contingency paid staff including work-charged staff as have been in a job involving whole time employment (and not merely part time or a portion of the day) and have been in service for at least three months before undergoing sterilisation operation or I. U. D. insertion (in case of female employee) and are likely to remain in service thereafter for at least three months should be granted full wages for a period not exceeding 6 working days to a male employee undergoing vasectomy operation. for a period not exceeding 14 working days to female staff undergoing non-puerperal tubectomy operation and for one day to female staff undergoing I. U. D. insertion.

5. M. T. P. (Medical Termination of Pregnency) cases are not covered for the purpose of special casual leave under the Family Welfare Programme.

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CHAPTER VI

Study Leave

61. *Subject to the conditions specified in this chapter.*—(1) Study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo in or out of India a special course of study consisting of higher studies or specialised training in a professional or technical subject having a direct and close connection with sphere of his duty.

(2) Study leave may also be granted :—

(i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant ; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that :—

(a) the particular study tour should be approved by the authority competent to grant leave ; and

(b) the Government servant would be required to submit on his return a full report on the work done by him while on study leave;

(iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

(3) Study leave shall not be granted unless :—

(i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interest ;

(ii) it is for prosecution of studies in subjects other than academic or literary ; and

(iii) it is for prosecution of studies in such specialities and subject in which there may be dearth of officers in a Department ;

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(iv) the Department of Economic Affairs of the Ministry of Finance, Government of India agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India.

Study leave out of India shall not be granted for prosecution of studies in subjects for which adequate facilities exist in India or under any of the scheme administered by the Government of India.

(4) Study leave shall not ordinarily be granted to a Government servant :—

(i) who has rendered less than five years service under the Government ;

(ii) who is due to retire or has the option to retire from the Government service within three years of the date on which he is expected to return to duty after the expiry of the leave.

(5) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with a regular work or to cause cadre difficulties owing to his absence on leave.

62. The maximum amount of study leave, which may be granted to a Government servant shall be :—

(a) ordinarily twelve months at any one time ; and

(b) during his entire service twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

63. (1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave ;

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application or if after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave as the case may be and shall not unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

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64. (1) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the conditions that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.

(2) Where the study leave is granted for prosecution of studies abroad the Head of the Mission concerned shall be informed of the fact by the authority granting the leave.

Note.—The Head of the Mission shall be contacted by the Government servant for issue of any letter of introduction or for other similar facilities that may be required.

(3) (a) Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 6 or Form 7 as the case may be, before the study leave or extension of such leave granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 8 or Form 9 as the case may be, before the study leave or extension of such leave granted to him commences.

(4) (a) On completion of the course of study the Government servant shall submit to the authority which granted him the study leave, certificates of examination passed or special courses of study undertaken, indicating the date of commencement and termination of the course with their remarks, if any, of the authority incharge of the course of study.

(b) If the study is undertaken in a country outside India where there is an Indian Mission the certificate shall be submitted through the Head of the Mission concerned.

65. (1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extraordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the Government servant.

Explanation.—The limit of twenty-eight months of absence prescribed in this sub-rule includes the period of vacation.

66. *Regulation of study leave exteanding beyond in course of study.*—When the course of study falls short of study leave granted to

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a Government servant he shall resume duty on the conclusion of the course of study unless the previous sanction of the authority competent to grant leave has been obtained to the period of short-fall as ordinary leave.

67. (1) During study leave availed outside India a Government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the Government servant drew while on duty with Government immediately before proceeding on such leave in addition to the study allowances admissible in accordance with the provisions of rules 68 to 73.

(2) (a) During study leave availed in India, a Government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the Government servant drew while on duty with Government immediately before proceeding on such leave.

(b) Payment of leave salary at full rate under clause (a) shall be subject to furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(c) The amount if any received by a Government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part-time employment as envisaged in sub-rule (2) of rule 67 shall be adjusted against the leave salary payable under this sub-rule subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(d) No study allowance shall be paid during study leave for courses of study in India.

68. (1) A study allowance shall be granted to a Government servant who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognised Institution or in any definite tour of inspection of any special class of work as well as for the period covered by any examination at the end of the course of study.

(2) Where a Government servant has been permitted to receive and retain, in addition to his leave salary any scholarship or stipend that may be awarded to him from a Government or non-Government source or any other remuneration in respect of any part-time employment :—

(a) No study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting the cost of fees, if any paid by the Government servant from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowances otherwise admissible.

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(b) In case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part-time employment and the study allowance may be granted by the authority competent to grant leave.

(3) Study allowance shall not be granted for any period during which a Government servant interrupts his course of study to suit his own convenience :

Provided that the authority competent to grant leave or the Head of Mission may authorise the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

(4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the condition that :—

(a) the Government servant attends during vacation any special course of study or practical training under the direction o the Government or the authority competent to grant leave, as the case may be ; or

(b) in the absence of any such direction, he produces satisfactory evidence before the Head of the Mission or the authority competent to grant leave as the case may be, that he continued his studies during the vacation :

Provided that in respect of vacation falling at the end of courses of study it shall be allowed for a maximum period of 14 days.

(5) The period for which study allowance may be granted shall not exceed 24 months in all.

69. The rates of study allowance shall be the same as are allowed by the Government of India to its employees from time to time in respective countries.

70. (1) Payment of study allowance shall be subject to the furnishing of a certificate by the Government servant to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part-time employment.

(2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the Government servant that he would refund to the Government any

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over-payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.

(3) (a) In the case of a definite course of study at a recognised Institution, the study allowance, shall be payable by the authority competent to grant leave, if the study leave availed of is in a country where there is no India Mission and by the Head of the Mission in other cases on claims submitted by the Government servant from time to time supported by proper certificate of attendance.

(b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at end of the term, if the Government servant is undergoing study in an Educational Institution, or at intervals not exceeding three months if he is undergoing study at any other Institution.

(4) (a) When the programme of study approved does not include, or does not consist entirely of such a course of study, the Government servant shall submit to the authority competent to grant leave direct or through the Head of the Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to possibility of adopting such methods or operations to conditions obtaining in India.

(b) The authority competent to grant leave shall decide whether the diary and report show that the time of the Government servant was properly utilised and shall determined accordingly for what periods study allowance may be granted.

71. No allowance of any kind other than the dearness allowance and study allowance where admissible shall be admissible to a Government servant in respect of the period of study leave granted to him.

72. (1) If a Government servant resign or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty he shall be required to refund :—

(i) the actual amount of leave salary study allowance and other expenses, if any incurred by the Government ; and

(ii) the actual amount if any of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans from the date of demand, before his resignation is

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accepted or permission to retire is granted or his quitting service otherwise :

Provided that nothing contained in this rule shall apply :—

(a) to a Government servant who after return to duty from study leave is permitted to retire from service on medical grounds ; or

(b) to a Government servant who after return to duty from study leave is deputed to serve in any statutory or autonomous body or Institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory, autonomous body or Institution in the public interest.

(2) (a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitable adjusted for the purpose and the balance of the period of study leave if any, which cannot be so converted treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1) he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3). Notwithstanding anything contained in this rule, the Government may if it is necessary or expedient to do so either in public interest or having regard to the peculiar circumstances of the case or class of cases by order waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

73. *Authority competent to sanction study leave.*—The General Department (Trainings Branch) on the recommendation of the Administrative Department concerned and with the consent of the Finance Department may grant study leave under these rules for purposes of study in India.

Cases for study leave outside India will be sanctioned by the Government on the recommendation of the committee prescribed for the purpose, and with the concurrence of the Finance Department.

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CHAPTER VII

Miscellaneous

74. *Application of these Rules to In-service Governmen servants.*— Government servants in service on the date of issue of these rules will in respect of "Leave" have the option either to be governed by the rules contained in the Jammu and Kashmir Civil Service Regulations, Volume I, Chapter XI or by these rules. In either case, the option should be communicated in Form 10 to the Head of Office/Department within a period of three months from the date of coming into force of these rules. Those who do not exercise their option within the stipulated period shall be deemed to have opted for these rules.

Option once exercised shall be treated as final.

75. *Right of changing or interpretation.*—(a) The Government reserves to itself the right of changing or cancelling the rules in these regulations from time to time at his discretion and of interpreting their meaning in case of dispute.

(b) Power to relax.—Where the Government is satisfied that the operation, if any of these rules has caused undue hardship in particular case, it may, by order for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the Finance Department.

76. In the case of Government servants in service on 1-1-1979 who opt for these rules their title to leave under these rules will be determined as under :—

(a) Earned Leave.—The privilege leave which was due to them on the date of their last return from such leave will be treated as earned leave at their credit and from that date onwards, they will earn (Earned Leave) at the rate and to the maximum extent contained in these rules ;

(b) Half Pay Leave.—The leave on private affairs or furlough which may be at their credit on 31-12-1978 will be treated as half pay leave under these rules and from the date of last return from such leave they will earn half pay leave under these rules subject to the condition that previous credit on account of furlough or private affairs plus half pay leave earned under these rules or previous spell of leave

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on furlough private affairs already availed plus the free credit will not in any case exceed a period of 2 years during the entire service of a Government servant ;

(c) Extraordinary leave without allowances already availed will be treated as such under these rules.

77. *Repeal and saving.*—(1) On the commencement of these rules every rule, regulation or order in force immediately before such commencement shall in so far as it provides for any of the matters, contained in these rules, cease to operate.

(2) Notwithstanding such cesser or operation, anything done or any action taken or any leave earned by or granted to or accounted to the credit of a Government servant, under the old rules, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

———

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SCHEDULES AND FORMS

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[FIRST SCHEDULE]

[See Rule 4 (a)]

Authority competent to grant leaves.

S. No.	Kind of leave	To whom delegated	Extent
1.	Earned leave, Half pay leave, Commuted leave, Leave not due, Extraordinary leave, Disability leave, Maternity leave.	1. Administrative Departments	1. Full powers.
		2. High Courts	2. Full powers.
		2-A Director Sher-I-Kashmir Institute of Medical Sciences Srinagar	2-A. Full powers in respect of staff members of the Institute subordinate to the Director.
		3. Major Head of Departments	3. All Officers the maximum of whose scale of pay does not exceed Rs. 4250*.
		4. Class I Officers	4. All Officers the maximum of whose scale of pay does not exceed Rs. 3650*.
		5. Class I Officers	5. All Officers the maximum of whose scale of pay does not exceed Rs. 2800*.

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6.	Class III Officers	6. All Officers the maximum of whose scale of pay does not exceed Rs. 2170*.
7.	Class IV Officers	7. All Officers the maximum of whose scale of pay does not exceed Rs. 1500*.

Note 1 :—In respect of School Education (Boys and Girls) the Heads of High/Higher Secondary Schools/Teachers Training Institutes shall be competent to sanction all kinds of above leave to the staff working under them.

Note 2 :—Acting leave arrangements where there are no leave reserve posts in a cadre/or department shall be made by the authority which are competent to make appointments in accordance with the rules and orders issued by the Government from time to time.

[2]Note 3 :—Deputy Directors Health Services (Territorial) shall be competent to grant leave to Assistant Surgeons and the officers of equivalent ranks, working under their control.

[3]Note 4 :—Tehsil Education Officers Boys/Girls shall be competent to sanction all kinds of leave excepting leave outside India and study leave to the staff working under them irrespective of their scale of pay.

[4]Note 5 :—Medical Superintendent of Institute of Medical Sciences Srinagar shall be competent to sanction leave to non-gazetted staff subordinate to him and to make substitute arrangements subject to the condition that substitute arrangements lasting more than three months shall not be made by him.

2. Study leave. Refer Rule 73.

---

1. Inserted vide Finance Department Notification SRO-70 dated 14-2-1989.
*Ceiling in the revised pay scales as introduced vide SRO-370 dated 17-7-1987.
2. Inserted vide Finance Department Notification SRO-676 dated 21-12-1979.
3. Inserted vide Finance Department Notification SRO-36 dated 6-2-1982.
4. Inserted vide Finance Department Notification SRO-156 dated 10-3-1986.

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FORM I

[See rule 15]

Application for leave or for extension of leave.

1. Name of applicant.

2. Post held.

3. Department/Office.

4. Pay.

5. House rent and other compensatory allowances drawn in the present post.

6. Nature and period of leave applied for and date from which required.

7. Sunday and holidays if any, proposed to be prefixed/suffixed to leave.

8. Grounds on which leave is applied for.

9. Date of return from last leave, and the nature of period of that leave.

10. Address during leave period.

11. In the event of my resignation or voluntary retirement from service, I undertake to refund :—

(i) the difference between the leave salary drawn during commuted leave and that admissible during half pay leave, which would not have been admissible had sub-rule (1) of rule 29 not been applied ;

(ii) the leave salary drawn during leave not due which would not have been admissible had sub-rule (1) of rule 30 not been applied.

Signature of applicant (with date)

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12. Certificate regarding admissibility of leave :—

Certified that.....(nature of leave) for (period) .....from.....to.....is admissible under rule.....of the Civil Services (Leave) Rules, 1979.

Signature (with date)

Designation.

13. Remarks and/or recommendation of the Controlling Officer.

Signature (with date)

14. Orders of the authority competent to grant leave.

Signature (with date)

Designation

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FORM 2

[See rule 16]

FORM OF LEAVE ACCOUNT.

Name of Government servant---------- Date of birth ----------

Date of commencement of continuous service----------

Date of quasi-permanent employment---------- Date of retirement/resignation ----------

EARNED LEAVE

Particulars of service in the calendar/half year		Completed months of service in the half year & a calendar year	E. L. credited at the beginning of half year	No. of days of other kinds of leave H. P. L., commuted leave, leave not due and EOL (Col. 19+25+33+36) availed of during the previous calendar half year	E. L. to be deducted (1/10th of the periods of E. O. L. & Dies non availed during previous half year subject to a maximum of 15 days	Total E. L. at credit in days (Col. 4+11—6).
From	To					
1	2	3	4	5	6	7

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FORM 2 (*Continued*)

EARNED LEAVE

Leave taken		No. of days	Balance of E. L. on return from leave (Col. 7—10)
From	To		
8	9	10	11

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HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Length of service			Credit of leave	
From	To	No. of completed years	Leave earned in days	Leave at credit Col. 15+35
12	13	14	15	16

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HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Leave taken					
Against the earning of half pay			Commuted leave on Medical Certificate on full pay		
From	To	No. of days	From	To	No. of days
17	18	19	20	21	22

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HALF PAY LEAVE (ON PRIVATE AFFAIRS AND ON MEDICAL CERTIFICATE)

Leave taken

Commuted leave without Medical Certificate for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave in entire service).

From	To	No. of days
23-A	24-B	25-C

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INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE

.....Leave taken	.....Leave not due limited to 360 days in entire service		
Commuted leave converted into half pay leave (twice of Col. 22 & 25-C)	On Medical Certificate		
	From	To	No. of days
26	27	28	29

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INCLUDING COMMUTED LEAVE AND LEAVE NOT DUE

.....Leave not due limited to 360 days in entire service

Otherwise than on Medical Certificate limited to 180 days			Total of leave not due (Col. 29+32)
From	To	No. of days	
30	31	32	33

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otal half pay leave taken Col. 19—26+33	Balance of half pay leave on return from leave (Col. 16– 34)	Other kinds of leave taken
34	35	36

Note 1 :—The Earned Leave due should be expressed in days.

Note 2 :—When a Government servant is appointed during the course of a particular calendar half year, E. L. should be credited at 2½ days for each completed month and the fraction of a day will be rounded to the nearest day.

Note 3 :—The old leave account in respect of existing Government servants opting for these rules has to be closed and the balance as on 31-12-1978 will have to be carried forward to the new account in Col. 11.

Note 4 :—The entries in Col. 6 should be in complete days. Fraction of a day will be rounded to the nearest day.

Note 5 :—Period of extraordinary leave should be noted in red ink.

Note 6 :—The entries in Col. 12 & 13 should indicate only the beginning and end of completed years of service at the time the half pay leave commences. Whereas a Government servant complete another year of service while on half pay leave, the extra credit should be shown in Col. 12 to 16 by making suitable additional entries and this should be taken into account while completing Col. 35.

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FORM 3

[See rule 19]

Medical Certificate for grant of leave or extension of leave or commutation of leave.

Signature of Government servant ——————————

I——————————Medical Superintendent/Civil Surgeon/ Medical Officer/D. M. O./Authorised Medical Attendant after careful personal examination of the case hereby certify that Shri/Shrimati/ Kumari——————————whose signature is given above, is suffering from——————————and I consider that a period of absence from duty——————————with effect from—————— is absolutely necessary or the restoration of his/her health.

Medical Superintendent/Authorised Medical Attendant/Medical Officer/ Civil Surgeon./D. M. O.—————— Hospital/Dispensary.

Date——————————

Note 1.—The nature and probable duration of the illness should be specified.

Note 2.—This Form should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide when an application on such grounds has been made to him, whether the applicant should go before a Medical Superintendent/Civil Surgeon/District Medical Officer to decide the question of his/her fitness for service.

Note 3.—Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a medical officer not below the rank of a Medical Superintendent/Civil Surgeon/D. M. O. who shall express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended

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and for this purpose he may either require the Government servant to appear before himself or before a Medical Officer nominated by him.

Note 4.--No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

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FORM 4

[See rule 24 (iii)]

Medical Certificate of Fitness to return to duty.

Signature of Government servant———————

I———————————Civil Surgeon/Medical Officer/District Medical Officer/Authorised Medical Attendant do hereby certify that I have carefully examined Shri/Shrimati/Kumari———————————whose signature is given above, and find that he/she has recovered from his/her illness and is now fit to resume duties in Government service. I also certify that before arriving at this decision, I have examine the original medical certificate(s) and statement(s) of the case or certified copies (thereof) on which leave was granted or extended and have taken these into consideration in arriving at my decision.

Civil Surgeon/Authorised Medical Attendant/Medical Officer/District Medical Officer.

Date———————————

Note:- The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and copy being retained by the Government servant concerned.

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FORM 5

[See rule 32 (3a)]

Bond for temporary Government servants granted extraordinary leave in relaxation of clause (d) of sub-rule (2) of rule 32 for study.

———

Know all men by these presents that we————————resident of————————————in District of———————at present employed as————————in the Department/Office of————————(hereinafter called "the Obligor" and Shri/Shrimati/Kumari————————————son/daughter of————————of————————————and Shri/Shrimati/Kumari————————son/daughter of————————of————————(hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the Governor of J & K, his successors and assignees (hereinafter called the "Government") on demand the sum of Rs.————————(Rupees————————————.) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and all client and charges and expenses that shall or may have been incurred by the Government.

Whereas the Government has at the request of the above bounden Shri/Shrimati/Kumari————————————employed as a———————————— granted him/her regular leave, followed by extraordinary leave without pay and allowance for a period of————months————day with effect from————————in order to enable him/her to study at————————.

And whereas the Government has appointed will have to appoint a substitute to perform the duties of————during the period of absence of Shri/Shrimati/Kumari————————————on extraordinary leave.

And whereas for the better protection of the Government, he obligor has agreed to execute this bond with two sureties with such condition as hereunder written.

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And whereas the said sureties have agreed to execute this bond and sureties on behalf of the bounden.

Now the condition of the written obligation is that in the event of above bounden Shri/Shrimati/Kumari————failing to rejoin on the expiry of the extraordinary leave, the post originally held by him/her and serve the Government after rejoining for such period not exceeding a period of————————years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he/she would be entitled under the rules the said Shri/Shrimati/Kumari————————or his/her heirs, executors and administrators shall forthwith pay to the Government on demand the said sum of Rs.————————together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari————————and or Shri/Shrimati/Kumari———— ——the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in force and virtue :

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forebearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari———— and Shri/Shrimati/Kumari————or any of them for amounts due hereunder.

The bond shall in all respects be governed by the laws of the State for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts.

Signed and dated this————day of————one thousand, nine hundred and————.

Signed and delivered by the obligor above named Shri/Shrimati/Kumari in the presence of :—

Witnesses 1.

2.

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Signed and delivered by the surety above named Shri/Shrima Kumari in the presence of :—

Witnesses 1.

2.

Signed and delivered by the surety above named Shri/Shrimati/ Kumari in the presence of :—

Witnesses 1.

2.

Accepted

for and on behalf of the Governor of J & K.

———

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FORM 6

[See sub-clause 3 (a) of rule 64]

Bond to be executed by a Government servant in permanent employ, when proceeding on study leave.

Know all men by these presents that I——————————resident of——————in the District of——————————at present employed as——————————in the Department/Office of——————————do hereby bind myself and my heirs, executors and administrators to pay to the Government of J & K (hereinafter called the Government) on demand the sum of Rs.——————(Rupees——————————— only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rates of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas I——————————————— am granted study leave by Government.

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of three years after return to duty. I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.——————————— (Rupees——————————only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The bond shall in respect be governed by the laws of J & K State for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts in India.

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Signed and dated this——————day of——————one thousand, nine hundred and ——————/Signed and delivered by——————in the presence of :—

Witnesses 1.

2.

Accepted

for and on behalf of the Governor of J & K State.

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FORM 7

[See sub-clause 3 (a) of rule 64]

Bond to be executed by a Government servant in permanent employ, when granted extension of study leave.

Know all men by these presents that I———————————resident of———————————in the District of———————————at present employed as———————————in the Department/Office of———————————do hereby bind myself and my heirs, executors and administrators to the Governor of J & K (hereinafter called "the Government") on demand the sum of Rs.———————(Rupees———————only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas I———————was granted study leave by Government for the period from———————to———————in consideration of which I executed a bond dated———————for Rs.———————(Rupees——————— only) in favour of the Governor of J & K.

And whereas the extension of study leave has been granted to me at my request until.

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

Now the condition of the above written obligation is that in the event of my failing to resume duty or resigning or retiring from or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.———————(Rupees———————only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon my making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of J & K for the time being in force and the rights and liabilities hereunder shall, wher necessary, be accordingly determined by the appropriate courts ine India.

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Signed and dated this————day of————one thousand nine hundred and————/Signed and delivered by———— in presence of :—

Witnesses 1.

2.

Accepted

for and on behalf of the Governor of J & K.

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FORM 8

[See sub-clause 3 (b) of rule 64]

Bond to be executed by a Government servant not in permanent employ when proceeding on study leave.

Know all men by these presents that we————resident of ————in the District of————at present employed as ————(called the obligor) and Shri/Shrimati/Kumari———— son/daughter of————(hereinafter called sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of J & K (hereinafter called 'the Government') on demand the sum of Rs.————(Rupees———— only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the official rate of exchange between that country and India and together with all costs between attorney and all charges and expenses that shall or may have been incurred by the Government.

Whereas the obligor is granted study leave by the Government.

And whereas for the better protection of the Government, the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of the obligor Shri/Shrimati/Kumari————failing to resume duty or resigning from service or otherwise quitting without returning to duty after the expiry of termination of the period of study leave or at any time within a period of three years after his return to duty, the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.————(Rupees————only) together withinterest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari———— Shri/Shrimati/Kumari————the sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall remain in full force and virtue :

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forebearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall be it necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari————and Shri/Shrimati/Kumari————or any of them or m aounts due hereunder.

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The bond shall in all respects be governed by the laws of the J & K State for the time being in force and rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts.

Signed and dated this———— —day of————one thousand, nine hundred and———— —/Signed and delivered by the obligor above named Shri/Shrimati/Kumari in the presence of :—

Witnesses 1.

2.

Signed and delivered by the surety above named Shri/Shrimati/ Kumari———— —in the presence of :—

Witnesses 1.

2.

Signed and delivered by the surety above named Shri/Shrimati/ Kumari— ——— —in the presence of :—

Witnesses 1.

2.

Accepted

for and on behalf of the Governor of J & K.

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FORM 9

[See sub-clause (3) (b) of rule 64]

Bond to be executed by a Government servant not in permanent employ, when granted extension of study leave.

Know all men by these presents that we———resident of ———in the———District of———at present employed as———in the Department/Office of———(hereinafter called "the obligor" and Shri/Shrimati/Kumari——— son/daughter of———and Shri/Shrimati/Kumari——— son/daughter of———of———(hereinafter called the sureties) do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the Governor of Jammu and Kashmir (hereinafter called the "Government") on demand the sum of Rs.——— (Rupees——— only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans, or if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Whereas the obligor was granted study leave by the Government for the period from———to———in consideration of which he executed a bond dated———for Rs.———(Rupees——— only) in favour of the Governor of Jammu and Kashmir.

And whereas the extension of study leave has been granted to the obligor at his request until.

And whereas for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond as sureties on behalf of the above bounden.

Now the condition of the above written obligation is that in the event of the obligor Shri/Shrimati/Kumari———resigning from service without returning to duty, after the expiry or termination of the period of study leave so extended or any time within a period of three years after his return to duty, the obligor and the sureties shall

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forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs.————(Rupees———— only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri/Shrimati/Kumari———— ———and, or Shri/Shrimati/Kumari———— —

And, or Shri/Shrimati/Kumari————the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

Provided always that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forebearance, act or omission of the Government or any person authorised by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the obligor before suing the sureties Shri/Shrimati/Kumari————and Shri/Shrimati/Kumari————or any of them amounts due hereunder.

The bond shall in all respects be governed by the laws of the State for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate courts.

Signed and dated this————day of————one thousand, nine hundred and————/Signed and delivered by the obligor above named Shri/Shrimati/Kumari————in the presence of :—

Witnesses 1.

2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari————in the presence of :—

Witnesses 1.

2.

Signed and delivered by the surety above named Shri/Shrimati/Kumari————in the presence of :—

Witnesses 1.

2.

Accepted

for and on behalf of the Governor of Jammu and Kashmir.

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FORM 10

(See rule 74)

Form of Option.

To

The———————

———————

———————

*(i) I———————hereby opt for the Jammu and Kashmir Civil Services (Leave) Rules, 1979.

*(ii) I———————hereby elect to retain the existing leave rules as contained in the Jammu and Kashmir Civil Service Regulations Volume I.

Yours faithfully,

Signature———————

Name———————

Designation———————

Office in which employed———————

*To be scored off if not applicable, under the signature, of the Government servant's concerned.

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SECOND SCHEDULE

[Vacation Rules of the Institute of Medical Sciences, Srinagar.

1. *Scope and extent.*—These rules shall apply only to the members of the faculty of the Institute appointed in substantive or temporary capacity (including probationery officers) or working on deputation basis. These rules shall not however, apply to such members of the faculty as are employed on tenure basis for a period of less than one year or appointed on ad hoc basis. These rules will apply to officers on contract only if their terms of contract so provide.

2. *Definitions.*—In these rules unless the context otherwise requires ;—

(a) "Institute" means the Institute of Medical Sciences, Srinagar.

(b) "Faculty" means members of the teaching staff of the Institute appointed as Director, Director-Professor, Professor, Associate Professor, Assistant Professor, Lecturer and Medical Superintendent. The staff appointed in Administrative and Service Departments and Resident staff of the Institute shall not, however, constitute the faculty ;

(c) "Faculty Member" means such member of the staff who constitute the faculty.

3. *Period of vacation.*—(i) The faculty of the Institute shall break for vacation twice a year during winter and summer.

(ii) Winter vacation period shall extend from January 1 to February 28 each year.

(iii) Summer vacation shall extend from July 16 to August 14 each year.

4. *Entitlement.*—(i) Each member of the faculty shall normally avail himself of half of the vacation period during winter and summer.

(ii) Half vacation during winter shall be of four weeks duration from January 1 to January 28 and then again from February 1 to February, 28. The period of intervening three days from January, 29-31 shall not be included in either of the spells and during this period the entire faculty unless on full vacation or leave of absence of any kind shall be on active duty for the purpose of handing over and taking over of the charge of the concerned Department.

(iii) Half vacation during summer shall be of two weeks duration from July 16 to July 29 and then again from August 1 to August 14. The period of intervening two days from July 30-31 shall not be included in either of the spells and during this period the entire faculty, unless

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1. Inserted vide F. D. Notification SRO-508 dated 10-12-1982.

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on full vacation or leave of absence of any kind shall be on active duty for the purpose of handing over and taking over of the concerned Department.

(iv) The competent authority may in consideration of extraordinary circumstances of a case to be recorded in writing allow a member of the faculty to avail full vacation provided the absence of the member is not detrimental to the interests of the Institute.

(v) The competent authority may refuse vacation in full or in part to a member of the faculty whom it may not be possible to spare either for full or any part period of vacation.

5. *Earned leave in lieu of vacation.*—(i) Members of the faculty who avail full vacation as admissible under these rules shall not be entitled to earned leave.

(ii) Members of the faculty who are refused vacation during a calendar year shall be entitled to earned leave of 30 days in lieu thereof.

(iii) Members of the faculty who avail half vacation shall be entitled to earned leave for 15 days.

(iv) Notwithstanding the provisions contained in sub-rule (ii) of rule 26 of the Jammu and Kashmir Civil Service Leave Rules the earned leave due to a member of faculty under these rules shall be credited at the end of the year as against advance crediting provided in the aforesaid rules.

(v) Where a member of faculty is prevented by the competent authority from availing a part of the vacation normally due to him, he shall be entitled to earn "Earned" leave at the rate of 2½ days for each complete week of vacation surrendered up to a maximum of 30 days in a calendar year provided that no such credit shall be afforded where the vacation surrendered is for less than a week.

6. *Powers.*—The competent authority for the purpose of these rules shall be the Director of the Institute of Medical Sciences, Srinagar.

7. Nothing contained in these rules shall effect the entitlement of leave of other kinds due to a member of the faculty under the Jammu and Kashmir Civil Service Leave Rules, 1979.

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Khrushchev to India in 1956 ensured complete respectability to the Nehru government in international communist circles. All these factors moderated the communist line and their frustrating experience with a policy of violence and adventurism compelled them to believe in constitutional or parliamentary constitutionalism of the type advocated by the right faction of the Communist party of India. These attempts were further strengthened through the victory of the Communist party at the polls in Kerala and the subsequent formation of the first constitutional communist government in 1957.

These results were summarised at the time of the extraordinary Congress of the Communist party of India held at Amritsar in April, 1958. The principal purpose of the Congress was to revise the party constitution and to broad-base the Central Communist leadership. All factions of the leadership were sought to be represented at the top. However, the most significant change introduced at Amritsar was a change in policy. A revised statement of principles was added in the preamble to the Constitutional document. It accepts that the basis of the party's policy is the philosophy of Marxism-Leninism but wants that this philosophy should be integrated with the realities of the Indian situation, with the experience of India's history, with the traditions of the Indian people, with India's national peculiarities. Moreover, the Communist party promises to strive to achieve full democracy and socialism by peaceful means and proposes to provide the widest possible extension of individual liberty, freedom of speech, press and association, including the right of political organisation.

Kautsky identified in 1956[17] three principal strategies of contemporary communism in India. They also represent the different faction structures of the Communist party in India. Thus the right strategy or the right faction is identified with the following characteristics:-

1. Capitalism is considered to be the main enemy of communism and therefore the native bourgeoisie is as much an enemy as the foreign imperialism.
2. Belief in one stage socialist revolution, even by skipping over the bourgeoisie-democratic revolution if it has not already occurred.
3. Belief in the "United front from below" tactics.

The right strategy of the right faction is identified with the following characteristics:-

17 Kautsky John H., *Moscow and the Communist Party of India*, New York, M. I. T. 1956 pp. 6-13.

राष्ट्रीय जे देशमुख पुस्तकालय (भाजपा) क्रमांक

1. Foreign Imperialism, Fascism or feudalism are the main enemy and not capitalism.
2. Two stage revolution is envisaged. The first is the bourgeoisie-democratic revolution to be followed by a proletarian socialist revolution.
3. Belief in the tactics of 'United Front from above' politics.

The neo-Maoist strategy, which is further classified as peaceful or violent, is identified as consisting of:-

1. The appeal to the bourgeoisie "from below".
2. Foreign Imperialism is considered as the main enemy.
3. Belief in the two stages of the revolution, first an anti-imperialist struggle for national independence to be followed by a socialist revolution.
4. Distinction between the pro-imperialist and the anti-imperialist bourgeoisie.
5. Reliance on the peasant which according to Kautsky is not the distinguishing aspect of this strategy.
6. The close of the class struggle in preference to the struggle of the cold war which according to Kautsky is the main distinguishing aspect of this strategy.

In 1964, contemporary communism in India can still be classified in terms of these three strategies or faction structures. The result of the Chinese aggression and consequent controversy that has raged about it and the split in International communism has broadened the differences between these faction-structures and sharpened the issues that separate them. The Neo-Mao faction has even been expelled from the Communist party of India and have organised rival Communist party of India. What was earlier the left faction in Indian Communism is now what is known as the 'centre faction' and what was earlier known as the right faction, now, controls the Communist party of India.

The criterion for the identification of the different faction structures in contemporary communism in India has been modified since 1956. There are two reasons for this. Firstly, there have been changes in the attitude, policies and tactics of the different faction-structures during this long period of 8 years. Secondly, questions which were significant in 1956 and round which controversies raged may no longer be as significant as new questions that arise as a result of new problems or new developments, both international and national. Therefore, the need for a new criterion for purposes of distintion of strategies and faction structures. The following is suggested with a view to classify and also to explain the different faction-structures in contemporary communism in India:-

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1. Attitude towards world peace and the acceptability or the non-acceptability of the predominance of this attitude over other attitudes. Position taken in the controversy over preference between Peace or Freedom in the international field.
2. Attitude towards the split in International Communism and the position taken in this split.
3. Belief in violence and adventurism or co-op ration and constitutionalism.
4. Differences in the Impact of Indian traditions, Indian history, and the influence of Gandhi and Nehru.
5. Attitude towards the need for a politically stable government.
6. Attitude of co-operation or non-cooperation towards the native bourgeoisie.

It may also be added that in recent years there appears to have been a loosening of the international control over contemporary communism in India. Indian Communist leadership is playing a bigger role than it played before. Moreover factions in contemporary communism in India are structured today not only in terms of policies, strategies and tactics but they are also built round personalities of the leaders of these factions. The role of the personalities of the leaders of these factions in structuring their factions is more important than before.

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INTRODUCTION

The focus of the present book is to study Contemporary political thought in India. It is a study in the pol. thought of M.N. Roy, J.L Nehru, Indian Socialists thought and movement, Sarvodaya pol. thought and movement of Indian Communist thought and movement.

An attempt has been made to present critical commentary on contemporary Political Thought in India. However, only some aspects of contemporary pol. thought have been discussed.

The study is intended to be both descriptive and analytical.

I was to express my thanks to some students who smilingly did some odd jobs.

One Political thought of M.N. Ro 1–14

Two. " " of Pt. J.L. Nehru 15–37

Three Indian Socialist Movement & thought 38–57.

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HUMAN RIGHTS

CHAPTER I

HUMAN RIGHTS—ORIGIN AND DEVELOPMENT, NATURE AND CONCEPT, IMPORTANCE AND CLASSIFICATION

ORIGIN AND DEVELOPMENT

The aftermath of the Second World War has witnessed great concern for the humanity and as a consequence tremendous development have been made in the field of human rights. Besides, the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, a large number of international human rights instruments have been signed under the auspices of the United Nations. Its principal organs specially, the General Assembly and the Economic and Social Council and host of subsidiary agencies, created for the purpose of enforcement of human rights, are vigorously involved in the protection and promotion of human rights and fundamental freedoms. It must not, however, be supposed that this Human Rights Movement have appeared suddenly as full grown out of the ravages of the Second World War.

Initially, the right of man, as a legal or moral concept, first appeared in the form of natural rights,[1] i.e., "moral rights which every human being, every where, at all times, ought to have simply because of the fact that, in contradiction with other beings, he is a rational and moral."[2] The theories of natural rights advocated that the natural rights were derived from the nature of man for these are inherent in the nature of man and form part of his entrinsic nature. It was explained that since man is endowed with reason, for that reason, he is also endowed with "certain rights without which he ceased to be a human beings."[3] For Locke these rights consist of right to "life, liberty and property.

The Concept of natural rights, in its development, was closely associated with the natural law theories which played very significant role in universalising the concept of natural rights. The underlying notion of natural law theories is that there essentially exist in the nature of universe certain objective moral principles which can be perceived by the man by the application of his reason. These principles are known as the principles of natural law and constitutes the higher principles of justice and morality. Positive law, in order to be valid, should conform to it the principles of natural law are essentially valid in themselves because they are "logically connected with the truths

1. Permanand Singh, "What are Human Rights?" *Human Rights : Issues and Perspectives*, Ed. Jawahar L. Kaul, 1995, P. 6.
2. Gaius Ezejiofor, *Protection of Human Rights under the Law*, London, Butter Worth, 1964, P. 3.
3. Carl, J., Friedrich, *Constitutional Government and Democracy*, 1968, P. 156.

concerning human nature."[4] As a consequence of this association between the natural rights and the natural law theories, the man has been viewed "as a self-determining and self-directing agent living in an environment that offered him ample resources and opportunities to pursue his own goal and those his own actions free from interference by others."[5]

However, it must be noted that the concept of natural rights pervaited even the evolution of natural law theories. The citizens of Greek City States avalid certain rights which they considered as fundamental for them. These rights in particular were : (i) the right to freedom of speech *(isogoria)* ; (ii) the right to equality before law *(isonomia)* ; and (iii) the right to equal respect for all *(isotimia)*[6].

The natural law theory, as a matter of fact, was developed systematically after the breakdown of Greek city States by the Stoic philosophers. It was argued by them that a man should live reasonably and in accordance with the law of nature. If he fails to conform to the law of nature he should be considered as wicked and inwardly slave, irrespective of the position he occupies in life.[7] State for them was merely a social convenience whose dictates or rules were not binding on the wisemen.

The central notion of the Stoic philosophy was that the principles of natural law were universal in their nature. Their application was not limited to any class of persons of certain State, rather it applied to everybody everywhere in the world. It was the embodiment of those higher principle of justice which could be discovered by human reason and as such were superior to positive law. The natural rights of man being its embodiment were "not the particular privileges of citizens of certain State, but something to which every human being, everywhere, was entitled in virtue of the simple fact of being human and national."[8] They set forth further that men "could comprehend and obey this law of nature because of their common possession of reason and capacity to develop and attain virtue."[9] In this way the Stoic philosophers were able to preach the idea of universal brotherhood of mankind and laid stress upon the equality and freedom for all.

The Stoic formulation of natural law was best suited to the Roman temperament, for they, in principle, believed that man should improve himself both rationally and morally. Writing about natural law, Cicero (106-43) B.C., like Stoic philosophers laid emphasis upon the universal nature of it and said that natural law is of "universal application, unchanging and everlasting.....It is a sim to try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligation by Senate or People.....And there will not be different law at Rome and at Athens or

4. *Salmon on Jurisprudence*, Twelfth Edition, by Fitzerald, P.J. 1966, P. 15.
5. *Supra*, N. 1, P. 7.
6. *Supra*, n. 2, P.3.
7. Swain, J.E., *A History of World Civilization*, 1947, PP. 150-151.
8. Cranston, M., *Heeman Rights Today*, 1962, P. 9.
9. *Supra*, n. 2 P. 3.

different laws now and in the future, but one internal and unchangeable law will be valid for all nations and for all times."[10]

Romans applied the Stoic conception of natural law in the formation of body of legal rules for the administration of justice. It was the most outstanding intellectual contribution of Romans. They developed this body of rules on the basis of the custom and as well as by the application of reason. Acting in this manner, they not only modernised their old law, but also laid stress upon the incorporation of high ethical standards in legal procedure.

Roman Law was divided into two categories of rules : *'jus civile'*, or Romal Civil Law dealing with citizens, things and actions; and *'jus gentium'*, or the law of non-citizens. Many of these principles were adopted from *'jus naturale'* (natural law) which enabled them to humanise these rules in such a way that a man of common sense and good faith could approve them as just.[11]

Similarly, the Scholastic philosophers[12] of Middle Ages like Abelard (1079-1142) and Thomas Aquinas (1224-1274), the most original thinker of theis times, laid great stress on the concept of natural law as the higher principles of law to which all positive law must conform.

However, a temporary set-back was caused during 16th century to the development of the concept of natural rights by Machiavelli's teachings. He was opposed to the concept of natural law and supported absolute monarchy. His philosophy was not based on any mystical thought such as that of natural law, rather, it was "here-and-now philosophy". For him human nature was bad and selfish which necessitated the establishment of State to curb and crush the anti-social elements existing in human mind. As this set-back was not to last for too long the concept of natural rights was again revitalised for two reasons :

First : The rise of Reformation which challenged the sole authority commanded by the church, one of the most powerful institution of medieval period. It brought about revolutionary changes in the religious out look of the people which resulted into widespread demand for the natural rights of freedom of conscience and religious belief.

Second : The other reason was the influence of the social contract doctrine. This influence was more profound in scope as well as in its impact.

The doctrine of social contract was closely linked with the theory of natural law because the basis upon which the natural law theories were formulated was the same for the social contract doctrine also.[13] This doctrine became popular during 16th and 17 century through the writings of such political philosophers as Thomas Hobbes (1558-1679),

10. *De Republic*, III, xxii, 33, quoted in d' Entreves, Natural Law, 1960, PP. 20-21.
11. *Supra*, n. 7 PP. 172-173.
12. Scholastic Philosophy was the most remarkable cultural development of the Middle Ages. "It was a combination of Augustinian theology and Aristotelian logic—an attempted union of revelation and reason in one philosophy", *Supra*, n. 7 P. 325.
13. See d' Entreves, *Supra*, n. 9, P. 56.

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John Locke (1632-1704) and Jean Jacques Rousseau (1719-1778). In general, they took help of the notion of social contract to explain the relationship between individual and society. Initially, the social contract writers claimed that a superior power, either manual or legal was established in pursuance of the social contract under which the people collectively undertook to obey the commands of such superior power so long it governed them in their common interest and kept itself within the terms of contract.[14]

However, in the 17th century, the protagonists of social contract theory, particularly Rousseau, undertook to explain that State was an artifact, an artificial creation of individuals, or the result of the social contract. Rousseau began with the state of nature, in which man was free and independent in all respects. From this state of nature according to him, there emerged a political society by the separate acts of individuals, whereby they undertook with one another to set up government which would be responsible to promote their common interests. The political society, so created would, by majority will, proceed to appoint governors who would govern in accordance with the terms of contract, or the instrument of trust or an act of delegation by which he was so empowered. The governor was to act on the behalf of the people thus protecting this general interests and respecting their natural rights. The violation of the terms of social contract on the part of the governor would justify not only its disobedience but also rebellion against it.[15]

The teachings of the social contract writers had not only strengthened and revitalized the concept of natural rights but provided it with dynamic contents. As such it exercised great influence upon the American and French Revolution.

American Revolution

American revolution originated in the colonial revolt of 1763. There were many factors which contributed towards the rise of this revolt. There were, the growing importance of the notion of natural rights, teachings of the writers of social contract doctrine, the British Bill of Right of 1689,[16] and the coercive actions of George III (1760-1820) and his predecessors.

The British Government was of the view that the colonies should also share in the expenses incurred in their administration. With this view, the British Government in the last half of the 18th Century started to take various regulatory measures under which it introduced certain new taxes. This resulted into militant opposition by the American people. They argued that since they did not have their representatives in the British Parliament, it had no right to impose taxes upon them.

The American notion of independence, and their determination to overthrow the authority of the imperial tyrannical government had led them to make the Declaration of Independence on July 4, 1776. This

14. *Supra*, N. 2, P.5.

15. John Locke, *Civil Government*. Book II.

16. British Bills of Rights of, 1689, established the idea of representative government formly and became a character of liberty for England

famous document was drafted by Thomas Jefferson. It mounted attack not only against the divine right of the king to rule but also against a government which did not reflect the will of the people. The document says :

> "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and pursuit of happiness. That to secure these rights Governments are instituted among men deriving their just powers from the consent of the governed; that whenever any form of Government becomes destructive of these ends, it is the right of the people to alter or abolish it and institute new Government."[17]

Thus, Americans made their claim for independence on the basis of inalienable rights of man, popular sovereignty, and the right of revolution, but at the time of drafting the constitution for them in 1787 they did not include a Bill of Rights for them. They did it in 1791 by adopting ten amendments to the Constitution. These amendments are known as Bill of Rights and form part of their Constitution. Again, Amendments from 13 to 15 known as Civil War Amendments were adopted at the end of the Civil War. Since the Bill of Right was not applicable to be rewly freed negroes these amendments extended the civil right liberties to them and imposed obligation upon the State to respect these rights. These amendments may be discussed as follows.

The 13th Amendments prohibits slavery and involuntary servitude; the 14th Amendment widens the base of American citizenship by *conferring* citizenship on all persons born or naturalised in the United States. They became entitled to the citizenship of United State as well as of the States in which they reside. It is further provided that States shall neither make nor enforce any law which shall abridge the privileges and immunities of citizens of the United States, nor deprive any person of life, liberty or property without due process of law nor deny to any person within its jurisdiction the legal protection of the laws. the 15th Amendment lays down that the citizen's right to vote shall not be denied or abridged by the United States or any State on the grounds of race, colour or previous condition of servitude; the 19th Amendment was added in 1920 providing that this right shall not be abridged or denied on the ground of sex.

The French Revolution:

The French Revolution was based upon those principles which were set in motion by the English and American revolution. It differed mainly in that it was basically the result of economic and social inequalities and injustices of the French ancient regime. These inequalities were conspicuous not only among the third Estate (lower classes) but also in the First Estate (clergy) and in the second Estate (nobility) It had caused the greatest amount of concern among the

17. Friedrich and Mc Closkey, *From the Declaration of Independence to the Constitution*, 1954, p. 3 quoted in *supra* N. 2, PP. 6, 7.

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writers,[18] who were apparently influenced by the teachings of Rousseau. They enthusiastically claimed that it marked the dawn of new age for the mankind in general and believed in the prospect of right reason and natural and imprescriptible right to life, liberty and the pursuit of happiness. The government, in their opinion, must preserve and safeguard these rights and if it fails to do so it has no right to remain in existence.[19]

However, it was not the writers or philosophers who had influenced the course of events but it was the convening of the French Estates General which produced the desired result. As a matter of fact, it was on 17th June, 1789, when Third Estate in defiance of Louis XVI proclaimed itself the National Assembly and three days later they took the famous the Tennis Court Oath "never to separate.... until the constitution of the kingdom shall be established." It was joined by more than half of the clercial deputies and 47 nobles.[20]

The National Assembly thus established was evidently dependent on the consent of common people for its authority and not on the royal prerogatives. The members of the National Assembly although worked under strains and restrictions but their achievement was nonetheless of great significance. They completed their work almost by the end of spring of 1791. A list of inalienable rights of free citizens was prepared which was proclaimed as the Declaration of the Rights of Man and of the Citizen. In it the philosophical teachings of Rousseau permeated to its full extent. This document was of the rank of the English Magna Charta and the Bill of Rights in the Constitution of the United States of America.[21]

The birth rights of the citizens which they had lost were now restored. It proclaimed that men were born free and equal in their rights. The usual aim of civil associations was the preservation of the natural and imprescriptible rights of man, which consisted of, "liberty, property, security and resistance to appression." The exercise of these natural rights should be restricted only to the extent it was necessary to secure the enjoyment of their rights by other individuals. Law was considered to be the expression of general will. Every citizen had a right to participate personally, or through his representative, in its formation. It must be the same for all. It ought to prohibit only those actions which were harmful to the society.

Again, every person was entitled not to be accused, arrested or imprisoned except in accordance with the procedure prescribed by law. Right to religious liberty and freedom of expression was also recognised. Since right to private property was considered as inviolable and sacred no one could be deprived of it except for public necessity and on payment of legally ascertained just compensation. The sovereignty resided in the people and all authority in State were derived from them.

18. Ferguson and Brun. *A Survey of European Civilization*, PP. 565-612; Martin, *French Liberal thought in the 18th Century*.
19. Gaius Ezejiofor, *supra* N. 2, P. 9.
20. Swain, J.E., *Supra* N. 7 P. 473.
21. *Ibid*, P. 475.

The proclamation of the Declaration of the Right of Man and of the Citizen was annexed to the Constitution when it was adopted in 1791. In the words of Gaius Ezejiofor, "this completed one of the most crucial epochs in the development of the concept of human rights. Before the American and French Revolution it had what was for all practical purposes only a philosophical appeal but after the Declaration and the constitutional Bill of Rights the concept assumed a positive importance."[22]

Onslaught on the concept of Natural Rights:

The concept of natural and inalienable right of man again came under attack from various quarters mainly for the following reasons:

(1) Since the concept of natural and inalienable right of man in its development was closely associated with the theory of Natural Law, it was natural for the opponents of natural law theories, to oppose the concept of natural right of man on the ground that it could lead the common people to the revolutionary actions. The opponents of natural law theories considered it as dangerous phenomenon. For this reason, Bruke criticised the French Declaration of the Right of Man and of the Citizen as a "monstrous fiction, which by inspiring false ideas and vain expectations into men destined to travel in the obscure walk of laborious life, serves only to exaggerate and embitter that real inequality, which it never can remove."[23]

(2) Again the natural rights movement was opposed by the authoritarians who saw in it a threat to religious and spiritual authority. Bentham, the radical, opposed the idea of natural rights on the ground that the legislature which had proclaimed the natural rights had used it rather as eloquence than resorting to practical legislative reforms. Therefore, he characterised the 'natural right as simple nonsense'.[24] Similarly, John Stuart Mill and Sir Frederick Pollock also did not accept the doctrine of natural rights in the terms of the American Declaration of Independence.[25]

(3) The concept of natural rights had also attracted the criticism of Marxist philosophers. Karl Marx was of the view that most of the political and civil rights were meaningless in absence of an economic and educational foundation.

Marxist philosophers saw in the State the highest and ultimate value. In the words of Ritchie, "the person with rights and duties is the product of society and the rights of individual must therefore be judged from the point of view of the society as a whole and not from the point of view of the individual.[26]

22. Gaius Ezejiofor, *supra* N. 2 P. 10.
23. *Reflections on the Revolution in France*, Works, (London 1852) IV, PP. 180-181.
24. *Anarchical Fallacies*, Works (Bowring, ed., 1843) Vol. II, P. 502.
25. Charles E. Wyzanski, Jr., "The Philosophical Background of the Doctrine of Human Rights," *Human Dignity: The Internationalisation of Human Rights*, ed. by Alice H. Hankin, Oceana Pub, 1979, PP. 11-12.
26. Ritchie, *Natural Rights*, (1898) PP. 101-102.

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Inspite of the fact that several vigorous and destructive assaults was been made against the concept of natural rights it had not only withstood these onslaught steadfastly but also managed to grow in *dimensions*. The list of various natural rights have ever since been lengthened because of the fact that the use of general term, like the "right to liberty" or "the right to freedom" admitted the possibility of broader interpretation. Consequently, it resulted into creation of new categories of rights.

Again, as a result of industrial revolution wealth increased at a very rapid speed. Along with it there arose several problems, such as, that of sanitation, health, sickness, poverty, disease and ignorance which were difficult to solve. It led to the rise of feeling that national wealth should not be concentrated in the hand of few individuals to the exclusion of a large number of individuals who suffer under poverty, disease and ignorance. This in turn resulted in the recognition of certain new economic, social and cultural rights as natural rights of man.[27]

Universalization of Human Rights:

Although at the end of First World War, some attempts on modest-level were made through the Treaty of Versailles to promote and universalise human rights but it met with no success. Since the judicial conscience of the civilised world was very much in the favour of safeguarding the rights of individuals against its violation by States, it was consistently realised that the rights of individuals must be universalised so that it may be guarded against its violation by one's own State. Influenced by such desires the, Institute of International law, initiated measures to study and formulate the human rights provisions. This Institute of International Law was a private organisation whose members were elected from the authorities on international law in Europe, America and Asia. Its pronouncements had no validity except the prestige of the members which they held. Its chief aim was "to extend to the entire world international recognition of the rights of man". Accordingly a proclamation of the right of man was issued by it in 1929[28] In all six articles were adopted which prescribed the duties of every State:

(1) To recognise the equal rights of every individual to life, liberty and property and to accord to all within its territory the full and entire protection of this right without distinction as to nationality, sex, race, language or religion.[29]

(ii) To recognise the right of every individual to the free practice, both public and private, of every faith religion or belief, provided that the said practice shall not be incompatible with public order and good morals.[30]

27. Benn and Peters, *Social Principles and the Democratic State* (1958), P. 104.
28. See, (1941) 35 AJIL, PP. 663-665.
29. Article 1.
30. Article II.

(iii) To recognise the right of every individual both to the free use of the language of his choice and to the teaching of such language.[31]

(iv) To recognise that no motive based directly or indirectly on distinction of sex, race, language or religion, empowers States to refuse to any of their nationals, private and public rights, especially admission to establishments of public instruction, and the exercise of the different economic activities, and of professions and industries.[32]

(v) To recognise that the equality as contemplated herein is not to be nominal, but effective. It excludes all discrimination direct and indirect.[33]

(vi) To recognise that except for motives based upon its general legislation, no State, shall have right to withdraw its nationality from those whom for reasons of sex, race, language or religion, it should not deprive of the guarantees contemplated in this proclamation.[34]

Thus, the proclamation states "in bold and unequivocal terms the rights of human beings, *without distinction of nationality, sex, race, language and religion*, to the equal right to life, liberty and property, together with all the subsidiary rights essential to the enjoyment of these fundamental rights. It aims not merely to assure to individuals their, international rights, but it aims also to impose on all nations a standard of conduct towards all men including their own nationals... Such a revoluntionary document,....cannot fail, however, to exert an influence on the evolution of international law. It marks a new era which is more concerned with the interests and rights of sovereign individuals than with the rights of sovereign States."[35]

Another milestone in the universalisation of human right off course in disguise was oppressive and brutal practices adopted by Nazi regime in Germany. The individuals on the ground of their race or religion were subjected to the persecution, tyranny and brutality. They were deprived of their civil and political rights. It caused global concern for the protection and promotion of human rights universally, so as the Second World War progressed deep concern was shown for the international recognition of human rights and for establishment of world organisation for the protection and promotion of human rights. It was believed that no permanent peace could be established without securing international safeguards for human rights and fundamental freedoms. President Roosevelt took the lead in the matter and in his message to Congress on January 6, 1941, he referred to the four essential human freedoms to which he looked forward as the foundation of a future world—(1) freedom of speech and expression; (2) freedom of every person to worship God in his own way; (3) freedom from want, and (4) freedom

31. Article III.
32. Article IV.
33. Article V.
34. Article VI.
35. Philip Marshall Brown (1930) 24 AJIL, P. 127.

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from fear. Although the list of rights herein described is not very elaborate but still it had exercised immense influence on the movement of human rights.[36]

The then British Prime Minister, Mr. Churchill was equally concerned with the violation of human rights and racial persecution. He proclaimed that racial persecution would come to an end with the end of Second World War and human rights would be promoted.

The Atlantic Charter:

The Prime Minister of Great Britain Mr. Winston S. Churchill and the President of the United States Mr. Franklin D. Roosevelt had met at the Sea and issued a Joint Declaration on August 1941. It is known as the Atlantic Charter. Through this Declaration the two leaders deemed "it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world".[37] It was agreed among other things that "they respect the right of all people to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them"; After the final destruction of the Nazi Tyranny, "They hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want."[38]

Since the Joint Declaration was signed by the heads of two most powerful States of the Western World, it was bound to have profound effect on the development of human rights movement. In fact it had influenced the future course of action through the grand military alliance known as the Declaration by United Nations of January 1, 1942, signed by 26 nations.[39] The principles of the Atlantic Charter were solemnly reaffirmed herein. Each government pledged itself to co-operate with the governments signatory thereto and not to make a separate armistice or peace with the enemies. They were also convinced that complete victory over their enemies was essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands. In the editorial comment, L.H. Woolsey asserted that :

> "We have, therefore, in the Atlantic Charter a statement of principles and in the Declaration a further statement of human freedoms and rights, to both of which 30 nations are committed for post-war guidance and achievements."[40]

36. (1941), 35 AJIL, P. 662.
37. *Ibid*, P. 192.
38. *Ibid*.
39. These include the United States, Russia, China, the British Common Wealth of Nations and India, the eight conquered states of Europe and nine Central American and Carribbean Republics. To these Brazil, Mexico, Etheopia and the Philippine Common-wealth have since been added.' see (1942), 36 AJIL P. 626 foot note 9.
40. Editorial Comment by L.H. Woolsey, *Ibid*, P. 626.

The above Declaration of the United Nations was affirmed by the three powerful nations (United States, Soviet Union and Great Britain) in their conference of March 3, 1943.

In the pursuit of internationalisation of human rights the International Labour Organisation and other private organisations have played crucial and constructive role in the development of consensus of world community in this respect. The Philadelphia Declaration of the International Labour Organisation at its 26th Session adopted, *inter alia*, the following resolution.

> "All human beings, irrespective of trade, creed or sex, have the right to pursue both their material well being and their spiritual development in conditions of freedom and dignity of economic security and equal opportunity."

At the sametime, a large number of organisations pacifist, church and Jewish organisation raised their voices for the international recognition and protection of human rights. Thus, there emerged an overwhelming consensus of world community favouring the establishment of international organisation in the post-war years with the main task to formulate and implement an International Bill of Rights. Jurists of high repute, such as late Professor Herseh Lauterpacht, once professor at Cambridge University had lend their support for the formation and implementation of universal human rights. In fact, Professor Lauterpacht prepared a draft of 'International Bill of Rights of Man' and suggested for its acceptance by the United Nations as a part of the fundamental constitution of the world community.[41]

In the circumstances, it was not unexpected when the question of internationalisation of human rights received adequate attention of world powers at Dumbarton Oaks conference of 1944, where it was resolved that with "a view to the creation of conditions of stability and well being which are necessary for the peaceful and friendly relations among nations, the organisations should facilitate solutions of international economic, social and other humanitarian problems and promote respect for human rights and fundamental freedoms. Responsibility for the discharge of this function should be vested in the General Assembly, in the Economic and Social Council."[42]

At the Dumbarton Oaks conference first tentative draft of the United Nations Organisation was prepared.

Finally, it was the San Francisco conference held from 25th April to 26th June 1945 at which the Charter of the United Nations had emerged incorporating numerous provisions providing for promoting and encouraging respect for human rights and for fundamental freedoms for

41. Gaius Ezejiofor, *supra* n. 2 p. 55, foot n. 15.
42. U.N.C.I.O., Vol. 3 P. 690; Dumbarton Oaks conference was held in two phases. In first phase (21 August—28th September, representatives of the United States, Soviet Union and United Kingdom participated. In the second phase (29th September—7th October) representatives of the United States, China and United Kingdom participated. They agreed on number of proposals known as the Dumbarton Oaks Proposals See U.N.Y.B., 1946, PP. 4-9.

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all without distinction as to race, sex, language, or religion.[43] The General Assembly has been assigned with the duty of initiating studies and making recommendations for the purpose of assisting in the realisation of human rights and fundamental freedoms.[44] The Economic and Social Council is authorised to make recommendations to the General Assembly, to the Members of the United Nations and to the concerned specialised agencies for the purpose of promoting respect for and observance of, human rights and fundamental freedoms for all.[45] The Economic and Social Council is further empowered to prepare a draft conventions for submission to the General Assembly[46], and to set up commission for the promotion of human rights.[47] The Economic and Social Council constituted the Human Rights' Commission in its first session with the responsibility *inter alia*, to formulate an International Bill of Right.

Working in unison, with the Economic and Social Council the Universal Declaration of Human Rights, was adopted by the General Assembly on December 10, 1948, which formed the basis for the preparation of other documents on human rights. The most prominent among them are the International Convenant on Economic, Social and Cultural Rights, and the International Convenant on Civil and Political Rights. These three documents, the Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights alongwith its two protocols, the Optional Protocol to the International Convenant on Civil and Political Rights and the Second Optional Protocol to the International Convenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty and the International Convenant on Economic, Social and Cultural Rights, constitute the International Bill of Human Rights. They are followed by over ninety other global human rights and humanitarian treaties.[48]

NATURE, MEANING AND CONCEPT OF HUMAN RIGHTS

In its original sense, the term, right implied purity, virtue and innocence. It had been used to denote the benefit received or deserved. However, it did not carry the idea that one had these benefits as a matter of right'.

In the eighteenth century, however, such adjectives as 'natural', 'inherent', 'in alienable', 'imprescriptible', had usually been used before the term the 'Right of Man' to signify that the existence of these rights was independent of positive law. The contemporary use of the term 'Human Rights', as it finds its mention in the Universal Declaration of Human Rights of 1948, is of course a revival of the eighteenth century concept of the 'Rights of Man'.[49]

43. Charter of United Nations, Article 1 (3).
44. Ibid. Article 13 (1) (b).
45. Ibid. Article 62 (2).
46. Ibid Article 62 (3).
47. Ibid Article 68.
48. Thomas Buergenthal and Dinah Shelton, *Protecting Human Rights in the Americas, Cases and Materials*, 1995, p. 19.
49. Raphael, D.D. "Human Rights Old and New", *Political Theory and the Rights of Man*, ed. by Raphael, D.D., MacMillan, 1967, p. 54.

Now there are two main approaches dopetd to explain the nature and meanings of human rights :

(1) Philosophical or Theoretical approach : In main there are five theories to explain the rights of man. These are :
   (a) The Natural Rights Theory;
   (b) The Legal Right Theory ;
   (c) The Historical Theory of Rights ;
   (d) The Social Welfare Theory of Rights ; and
   (e) The Idealistic Theory of Rights.

(2) Pragmatic or Utilitarian Approach :

(1) Philosophical Approach.

(a) The Natural Right Theory

The growth of the concept of the 'Rights of Man' has been closely associated with the traditional natural law theories. As a matter of fact the notion of individual rights has never been projected as special feature in these theories. Law as such "implies both duties and rights, and it is no doubt fair to say that the ancient and medieval theories of natural law were more concerned with the foundations of moral, legal and political duty than with the foundations of right."[50]

Rights, in the traditional doctrine of natural law, are rights against other people. These rights have corresponding duties in the sense that some other person is under a duty towards the holder of the right. For example, I have natural right to life. I hold this right against any other person as such in the sense that no one can deprive me of my life. Hence, others are under corresponding duty not to kill me. Similarly my natural right to liberty imposes duty upon others to leave me alone. Consequently, the rights and duties are co-related with each other. D.D. Raphael has rightly observed that :

> "The rights are rights against other people, and the duties are duties to other people. Thus a system of natural law, a system of duties which all men have to others, is at the same time a system of rights which all men have against others."[51]

Limitations of Traditional Doctrine of Natural Law :

The traditional doctrine of correlatively of rights and duties has its major limitations, and, therefore, not applicable in the modern context of human rights. The limitations may be discussed as follows :

(1) Duties according to the traditional notion of Natural Law do not cannote duties simpliciter to other people. It has generally been used in theological sense. All the duties may be classified into three categories : *first*, duty to God; *second*, duty to self; and *third*, duty to other men. Since all men are the creation of God, therefore, all the duties including duty to self and the duty to other people are duty to God. Thus, in theological sense, all the duties are owed to God. Since rights are claimed against other persons and not against God there can be no correlation between rights and duties.

50. Ibid. p. 55.
51. Ibid. p. 57.

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(2) The doctrine of correlativity of rights and duties is generally applicable in those situations which are generated by contractual undertakings. When viewed from this angle, it is afraid that Human Rights may not be called rights at all, *first* because they do not arise from contractual undertakings and *second*, because they are claimed on behalf of all men.

(3) The doctrine of correlativity of rights and duties requires that there must be specific person or persons to vindicate rights. In case of human rights there is no such person or persons with whom the duties may be associated. In fact, human rights are claimed against political authorities, *i.e.*, against State, its agents, representatives and functionaries.[52] Moreover, human rights are generally or at least at first stage, secured through political actions.

In the contemporary sense of the term, human right has been defined by Elaine Pagels as "the idea that the individual has right ; claims upon society, or against society ; that these rights which society must recognise, on which it is obliged to act, are intrinsic to human being."[53] This definition on a human rights is an improvement upon the traditional eighteenth century definition of the Right of Man since it recognises the human rights as a claim upon or against the society. It clearly implies following three characteristic features of human rights :

First : Human Rights are said to be recognised :

Human Rights are neither derived from the social order nor conferred upon the individual by the society. They reside inherently in the individual human beings independent of and even prior to his participation in the society. As such, they are the result of recognition by the State but they are logically independent of the legal system for their existence. For this reason, many thinkers have assigned the origin of human rights to natural law and not to positive law. In this sense natural law is said to be "a normative system which is characterised by the fact that the criterion for the validity of its norms is based not on their enactment or recognition by certain individuals but on their intrinsic justification."[54] in the same spirit, the human rights being derived from the principles of natural law do not depend for this validity on being formulated or accepted by any authority.[55] Thus, a positive legal system "which does not recognise human rights is not law."[56]

Second : Human Rights are said to be inalienable natural and inherent :

Human Rights are inalienable in the sense that a holder of these rights cannot divest himself of them. The reason is simple. These rights

52. Ibid. p. 73.
53. Elaine Pagels, "the Roots and Origins of Human Rights", *Human Dignity—The Internationalisation of Human Rights*. Ed. by Alince H. Hanbin, 1979, p. 2.
54. Carlos Santiago Nino, *The Ethics of Human Rights*, Clarindon Press, Oxford, 1991, p. 10.
55. Ibid. p. 24.
56. Ibid. p. 10.

are inherent in the very nature of human being. Jackques Maritain has said that the "human person possesses rights because of the very fact that it is a person, a whole, a master of itself and of its acts.....by natural law, the human person has the right to be respected, is the subject of rights, possesses rights. These are things which are owed to a man because of the very fact that he is a man".[57]

The inalienable or natural rights are not identified with the norms of positive law. They are independent of the positive law, as such, Human Rights are used as a reference to evaluate the rules of positive law, law enforcement machinery, legal institutions and performances of State. When a legal system does not recognise human rights it is criticized as being oppressive and persistent demand is made for upholding the value of human rights.[58] Teanamen square episode of 1989, in which pro-democracy demonstration of students was brutally crushed is always cited as an instance to criticise China for its no concern for human rights and the brutal suppression of dissent in the country. For that matter African and Asian nations are criticised for not implementing international human rights standards.

Third : All human beings are said to be essentially equal :

Now it is an established fact that human rights are derived directly or indirectly from the very nature of man. From this it may be argued that by virtue of being human, one inheres all those attributes which are inherent in human personality, and natural rights being one among those attributes are inherited naturally. Thus, the only condition necessary for enjoying natural basic rights is to be a human being. Apparently, this appears to be a very reasonable proposition because it lays down an objective equalitarian principle according to which a human being, by virtue of being human, can possess or enjoy all human rights without any distinction as to his colour, stature, wealth or to his rationality. From this, Carlos Santiago Nino argues that, "if the only relevant condition for enjoining certain rights is being human, and if this property does not admit of degrees, there cannot be differences of degree in the extent to which the rights in question are held; this is, all human beings have them to the same degree"[59]. This leads to inevitable conclusion that all human beings are equal. It may be useful to quote Barnard Mayo also :

> "Human Rights are the rights that a human being has in virtue of whatever characteristics he has that are both specifically and universally human."[60]

(B) The Legal Right Theory

Jermy Bentham has criticised the natural right theory as 'nonsense upon stilts. He has advocated in favour of legal rights theory. In the opinion of supporters of legal right theory rights are the creation of

57. J. Mariain, *The Rights of Man and Natural Law*, p. 65 (D. Anson trans, 1951).
58. Carlos Santiago, Nino, *Supra*, n. 54, p. 10.
59. *Ibid.* p. 34.
60. Bernard Mayo, "What are Human Rights" *Political Theory and the Right of Man*. Ed. by Raphael, D.D. MacMillan, 1967, p. 68.

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State. As such, they are neither absolute nor inherent in the nature of man. These rights such as right to life, liberty or property are artificially created by the law of the land.[61] Thomas Hobbes, one of the ardent supporters of the legal right theory holds the view that fundamental rights of individual are the right of self-preservation which can be protected by State in better manner than by any other means.

This theory can be upheld to the extent that the recognition of a right by State is necessary for its enforcement. If a State does not recognise a right it cannot be enforced, however potential it may be. Even in democratic societies, where people's will reign supreme recognition of rights by State is essential for their enforcement against the State. Bosanquet has rightly noted that : "A right.....has both a legal and moral reference. It is a claim which can be enforced at law, which no moral imperative can be; but it is also recognised to be a claim which ought to be capable of enforcement at law, and thus, it has a moral aspect..... A typical 'right' unites the two sides. It both is, and ought to be, capable of being enforced at law."[62]

C. The Historical Theory of Rights :

The historical theory maintains that the rights are the creation of historical process. A long-standing custom in the course of time concretise in the specific form of right. A traditional example may be used here to explain the process in which rights generally concretise. A person who receives birth day presents from his friends and relatives regularly for a long time develops expectation to receive it as a matter of right. Indeed there are rights which are created in this process more particularly most of the prescriptive rights, such as, right of way or right to light or air. In the same spirit many of the natural rights have "the sanction of the longest and the least broken custom,"[63] for example, the rights of Englishmen, which have found mention in the Magna Carta and the Petition of Right, These in fact have been enjoyed from very early days. This justifies the comment of Ritchie's that "those rights which people think they ought to have are just those rights which they have been accustomed to have, or which they have a 'tradition' (whether true or false) of having once possessed. Custom is primitive law."[64]

The Historical theory of rights has some very important limitations:

First : The statement that rights originate from historical process or custom may be true to a limited extent only. Infact, there is more exaggeration than truth in it. Practice of slavery which once had been considered as lawful cannot be claimed as a matter of right nor so the practice of infanticide. Mores or customs of people cannot make everything right.

Second : To relate origin of rights to custom is to stop all social reforms. For instance, practice of satee, polygamy, child marriage, untouchability, etc. had once been recognised as valid custom but now

61. Eddy Asirvatham, *Political Theory*, 1995. pp. 217-218.
62. Bosanquent, B. *The Philosophical Theory of State* (5 : 187).
63. Ritchie, D.G. *Natural Rights* (Philos. Series). London, Allen and Unwin, (66 : 82).
64. Ibid.

they are disapproved by the enlightened public opinion and therefore, prohibited by law.

D. The Social Welfare Theory of Right :

The Social Welfare Theory is also known as the Social Expediency Theory. The advocates of this theory believe that law, custom and natural rights, all are conditioned by social expediency. For instance, right to freedom of speech is not absolute but rather regulated in accordance with the requirements of social expediency. Roscoe Pound and Prof. Chafee have supported this theory.

The utilitarians like Bentham and Mill have also supported this theory. They have advocated for the 'greatest happiness of the greatest number' as a principles on the basis of which all the social measures should be judged. Utility can be determined by means of reason and experience.[65]

The Social Welfare Theory has played important role in the development of number of human rights. A large number of economic and social rights have been incorporated in the Universal Declaration of Human Rights and then in the International Convenant on Economic, Social and Cultural Rights, wherein, it is expressly provided that the entitlement to these rights has to be 'in accordance with the organisation and resources of each State.'

Limitations :

The Social Welfare Theory has following limitations :

(1) Ronald Dworkin[66] describes the social welfare measures as a collective goal. In his opinion goals are not rights. He drawns clear cut distinction between the individual rights and collective goals. Individual rights are "distributive and individualised providing resources or opportunities to each member of the class of individuals who enjoy the rights in question. Collective goals, on the contrary, are aggregative and non-individualised, admitting the possibility of unequal distribution of resources or opportunities among individuals in order to maximize the (general) benefit. Thus, the social welfare theory lays stress upon the social goals to be achieved by the society and not on the rights of individuals."[67]

(2) Measures taken in pursuit of ordinary collective goals may involve infringement of individual rights. In this way the social expediency theory may produce dangerous results. Usually, individual rights coincide with general welfare, but in case where there is conflict between the two, social welfare is preferred. Thus, the social welfare measures become more important than the rights of individuals.

E. The Idealistic Theory of Rights :

The Idealistic Theory of Rights is also known as Personality Theory of Rights. This theory insists on the inner development of man, on the

65. Eddy Asirvatham, *Supra* N. 61, p. 220.
66. R. Dworkin, *Taking Rights Seriously* (Cambridge, Mass 1977), pp. 91-92.
67. Carlos Santiago Nino, *Supra* N. 50 p. 31.

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development of his full potentiality. Hence, it treats right of personality as a supreme and absolute right. All other rights, such as, right to life, right to liberty or right to property are derived from this one fundamental right. These various rights are related to the right of personality. It may be illustrated thus, I have a right to life only to the extent to which it is essential for the development of my full potentiality. In this sense society my not permit me to take away my life or to commit suicide.

The chief merit of this theory is that it insists upon right of personality as the only absolute rights and all others rights are derived from it and are conditioned by it. However, this theory has limitations also. *First*, It is difficult for a State to ascertain the extent to which various rights are required for an individual for the development of his full potentiality. Since personality is a subjective idea no objective standard can be laid down for it. *Second* : Generally social good and individual good coincide. But if conflict occurs between the social good and individual good, it is the later that must be followed according to this theory. It goes against the spirit of the Social Welfare Theory.

Pragmatic Approach :

Besides philosophical and theoretical approach, the another way of looking at the meaning and nature of human rights is pragmatism. Every right whether it has been perceived as inalienable or otherwise can have validity and effectiveness only through some process or institution. Thus, it cannot be defined without reference to some institutional structure. As a room cannot be defined without reference to the walls, so human rights, cannot be defined without reference to institutional settings.

In the Indian context, for instance, fundamental rights are incorporated in Part III of the Constitution of India. Although, the term fundamental right has no where been defined in the Indian Constitution but on careful examination of these several fundamental rights one would conclude that these rights constitute restrictions on the power of State and also require the State to adhere to the guidelines pronounced in the matter, by the Supreme Court of India.

Viewed as such, the nature and meaning of 'human rights and fundamental freedoms', as referred to in the Charter of the United Nations, should be ascertained with reference to the catalogue of human rights promulgated in the major United Nation's human rights instruments, namely, the Universal Declaration of Human Rights International Convenant on Economic, Social and Cultural Rights, the International Convenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Declaration on the Right to Development, the Convention on the Rights of the Child and such other covenants and declaration. Thomas Buergen that has pointed out : "It is important that there exists an internally agreed upon catalogue of human rights. This catalogue should be our

minimal definitional guide on what the international community understands by 'human rights and fundamental freedoms'."[68]

It would be useful to add here that the Charter of United Nations has accepted the natural law concept of human rights *i.e.*, the "rights to which all human beings have been entitled since time immemorial and to which they will continue to be entitled as long as the humanity servives".[69] For instant, in the first paragraph of the preambles of each three documents, namely, the Universal Declaration of Human Rights, the International Convenant on Civil and Political Rights and the International Convenant on Economic, Social and cultural rights, it is clearly mentioned that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world." General Assembly in its recent guidelines has reiterated that : "All human rights and fundamental freedoms of the human person and of peoples are inalienable."[70]

However, there are some scholars, who are of the view that there is blending of positivism and natural law doctrine in the elaboration of various human rights and fundamental freedoms under the international human rights instruments.

On the closer examination of two documents, namely, the International Convenant on Civil and Political Rights and the International Convenant on Economic Social and Culture Right it is found that there are two categories of rights. One from which States can derogate in the time of such public emergency which threatens the life of the nation and the other from which no derogation is permitted.[71]

The first category of rights, again are of two kinds; *first*, those which a State can limit in times of emergency, such as, freedom from compulsory labour, right to liberty and security of person, right to humane treatment in prison, right to certain minimum guarantees in criminal proceedings, and freedom from interference with privacy, family, home or correspondence.[72] *Second*, those which a State can restrict to protect national security, public order public health or morals such as, the right to liberty of movement and freedom to choose one's residence, right to public hearing, freedom to manifest one's religion or beliefs in public, freedom of expression and to seek, receive and impart information and ideas, orally or in print, right of peaceful assembly and freedom of association.[73] Similarly, in the International Convenant on Economic, Social and Cultural Rights, a State is permitted to restrict right to form and join trade union in the interests of national security, or public order or for the protection of the rights and freedom of

68. Thomas Buergenthal, "Codification and Implementation of International Human Rights", *Human Dignity—The Internationalisational of Human Rights* Ed. by Alice H. Hankim, Oceana Pub., 1979, p. 16.

69. Thomas Buergenthal and Dinah Shelton, *Supra* N. 48, p. 7.

70. G.A. Res. 32/130, 32 U.N. GAOR Supp. (No. 45) at 151, U.N. Doc A/32/45/(1977).

71. The International Convenant on Civil and Political Rights, Article 4(1).

72. Ibid. Article 8(3)(a), 9, 10, 14(3) and 17 respectively.

73. Ibid. Articles 12, 14(1), 18(3), 19, 21, 22 respectively.

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others.[74] All other rights contained in the International Convenant on Economic, Social and Cultural Rights can be restricted "solely for the purpose of promoting the general welfare in a democratic society."[75]

The other category of rights from which no derogation is permitted is limited to ; right to life, freedom from torture, or cruel, inhuman or degrading treatment, or punishment, freedom from slavery or servitude, freedom from imprisonment merely on the ground of inability to fulfill a contractual obligation, non-applicability of *ex-post facto* laws, right to recognition as a person before the law and the right to freedom of thought conscience and religion.[76]

Classification of Human Rights :

Louis B. Sohn has classified human rights in the following three categories[77] :

(1) The Human Rights of First Generation ;
(2) The Human Rights of Second Generation ; and
(3) The Human Rights of Third Generation.

1. The First Generation of Human Rights : The International Convenant on Civil and Political Rights.

The various rights contained in the Convenant on the Civil and Political Rights are not new rights. These are the rights that had developed in course of a very long period of time since the time of Greek City State and concretised in the form of the Magna Carta; the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen. Thus, these rights reflect long established human values and as such are incorporated in the national constitutions of various States, in the International Convenant on Civil and Political Rights, in the European Conventions on Human Rights and in Inter-American and African instruments.

Since these rights are incorporated in different important international and national documents, they represent an over whelming consensus of international community giving rise to the rules of international customary law of general application. Louis B. Sohn has suggested that "the consensus on virtually all provisions of the Convenant on Civil and Political Rights is so widespread that they can be considered as part of the law of mankind, a *jus logens* for, all."[78]

2. The Human Rights of Second Generation : The International Covenant on Economic, Social and Cultural Rights :

As the main source for the origin of Civil and Political Rights, is considered to be the American and French Revolution, so, economic and social rights are considered to be originated in the Russian Revolution of 1917 and in the Paris Peace Conference of 1919. The particular

74. International Convenant on the Economic, Social and Cultural Rights, Article 8 (1).
75. *Ibid.* Art. 4.
76. The International Convenant on Civil and Political Rights : Articles, 6, 7, 8 (1)(2), 9, 15, 16, 18 respectively.
77. Louis B. Sohan : "The New International Law : Protection of the Rights of Individuals Rather than states" 32 Am. U.L. Rev. 1 (1982) repinrted in Thomas Buergenthal and Dinah Shelton, *Supra* N. 48 pp. 9-17.
78. Ibid. p. 9.

significance of Paris Peace Conference was the establishment of the International Labour Organisation which laid emphasis upon the concept of social justice by proclaiming that "peace can be established only if it is based upon social justice", and that "the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries."[79] The International Labour Organisation has been successful in developing many international labour standards in the form of conventions and recommendations coupled with effective system of supervision and the investigation of complaints.[80]

However, the real credit goes to the efforts of American President Roosevelt who for the first time has expressed his hope for an instrument dealing with the economic and social rights. In his message to Congress of January 6, 1941, President Roosevelt referred to the four essential freedoms, *viz.*, freedom of speech and expression, freedom of every person to worship God in his own way, freedom from want and freedom from fear to which he looked forward as the foundation of a future world.[81] "Freedom from want" it may be argued, formed the basis on which the concept of economic and social rights were formulated. President Roosevelt in his another message to Congress in 1944, made the concept of "freedom from want" clear. He contemplated that "true individual freedom can not exist without economic security and independence" and that "people who are hungry and out of job are the stuff of which dictatorships are made", thus "economic truths have become accepted as self-evident".[82] He was of the view that economic problems in the present day world have acquired alarming magnitute, therefore, he advocated for drastic economic and social reforms. In his opinion "true individual freedom cannot exist without economic security and independence."[83] These pronouncements had exercised their full impact upon the United Nations when it began to address itself to the human rights issues.

3. The Human Rights of Third Generation : Collective Rights

Louis B. Soha has argued that, individuals are also members of such units, groups or communities as a "family, religious community, social club, trade union, professional association, racial group, people, nation and State. It is not surprovising, therefore, that international law not only recognises inalienable rights of individuals, but also recognises certain collective rights exercised jointly by individuals who are grouped into larger communities, including people and nations.[84] Karel Vesak has pointed out that the third generation of human rights "infuse the

79. Fen wick, Charles G. *International Law*, Third Indian Reprint, 1971, p. 152, ft. N. 67.
80. See, International Labour Office, Conventions and Recommendations Adopted by the International Labour Conference, 1919-1966 (1966).
81. See (1941), 35 AJIL, p. 662.
82. Eleventh Annual Message to Congress, Jan. 11, 1944, Reprinted in 3 the Sate of the Union Messages of Presidents, 1790-1966, at 2881 (1966) : also see Thomas Buergenthal and Dinah Shelton, *Supra* N. 44, p. 10.
83. Eleventh Annual Message to Congress, Ibid. at 2881.
84. Thomas Buergenthal and Dinah Shelton, *Supra* N. 48, P. 11.

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human dimension into areas where it has all too often been missing having been left to the State or States" and that these rights can be realised only "through the concerted efforts of all the actors on the social scene : the individual, the State, public and private bodies, and the international community"[85] According to Vasak first two generations of human rights represent the first two of the three guiding principles of the French Revolution, that is, liberty and equality. The third generation of human rights refer to the fraternity of brother-hood. This category of rights, according to Vasak, are based on the sense of solidarity, which is essential for the realisation of the major concern of the international community such as peace, development and environment.[86] The "effective exercise of collective rights is a precondition to the exercise of other rights, political or economic or both[87]. The most cherished rights belonging to the third category of rights are, the right to self-determination, the right to development and right to peace.

The Right to Self Determination :

The Right to self-determination is one of the most basic collective rights. By virtue of the right of self-determination people have right not only to freely determine their political status but also to freely pursue their economic, social and cultural development.[88] Thus, right of self-determination includes right to development.

The Right to Development :

The right to development ecompasses within its ambit all human rights and fundamental freedoms including right of self-determination . Article 1 of the Declaration on the Right to Development runs as follows :

1.1 "The right to development is an inalienable human right by virtue of which every human person and all people are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised".

1.2. "The human rights to development also implies the full realisation of the right of people to self determination, which includes, subject to the relevant provisions of both International Convents on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources."

Thus, right to development is of multidimensional character incorporating all civil, political, economic, social and cultural rights necessary for the "full development of individual and the protection of his dignity."[89] Louis B. Sohn has said that the right to development

85. Lectures by Karel Vesak, Tenth Study Session of the International Institute of Human Right (July, 1979) as quoted in Thomas Buergenthal and Dinah Shelton, *Supra* N. 48, p. 15.

86. Study on the New International Economic Order and the Promotion of Human Rights, UN Doc. E/CN4/Sub. 2/477 p. 15 (1981) Lecture by Karel Vasak, *supra* N. 85 ; Thomas Buergenthal and Dinah Shelton, *Supra* N. 48 ,p. 15.

87. Thomas Buergenthal and Dinah Shelton *Supra* N. 48 p. 11.

88. The International Convenant on Econimic, Social and Cultural Rights, Article 1(1).

89. Report of the Working Group to the Commission on Human Rights, U.N. Doc. E.CN.4/1489, p. 9.

"requires careful balancing of the interests of the community and of the individuals. A healthy regard for the rights of the individual is indispensable for a State's success in pursuing its right to development."[90]

The Right to Peace :

The right to peace is also one of most important collective right. The United Nations Commission on Human Rights has asserted in 1976 that "everyone has the right to live in conditions of international peace and security and fully to enjoy economic, social and cultural rights and civil and political rights.[91] The Commission has further asserted that "unqualified respect for and the promotion of human rights and fundamental freedoms require the existence of international peace and security" and that "flagrant and massive violations of human rights, including economic, social and cultural rights, may lead the world into armed conflict".[92]

Like right to development, right to peace also has both individual and collective aspects and it must be promoted as such for the maintenance of international peace and security."

Interdependence of Three Categories of Human Rights :

At one stage, it was argued that new economic, social and cultural rights, should have precedence over the old civil and political rights, *first*, because new rights are more important than the old one and *secondly*, new rights, economic, social and culture, represents the basic needs of the human being therefore, they must be satisfied first. In the same way, it is also argued that the human rights of third generation is even more important. If these rights are not implemented immediately, the earth planet will soon become uninhabitable.

However, in the present day world, all human rights are considered interdependent. Various international institutions have emphasised upon the interdependence, complementarity and indivisibility of human rights.[93] For instance, the Tehran International Conference on Human Rights stated in its Declaration that since "human rights and fundamental freedoms are indivisible, the full realisation of civil and political rights without the enjoyment of economic, social and cultural rights, is impossible. The achievements of lasting progress in the implementation of human rights is dependent on sound and effective national and international policies of economic development."[94]

Similarly, General Assembly in its Resolution asserted :

"(a) All human rights and fundamental freedoms are indivisible and interdependent ; equal attention and urgent consideration should

90. Thomas Buergenthal and Dinah Shelton, *Supra* N. 48 p. 13.

91. U.N. Commission on Human Rights, Res. 5 (XXXII), 60 U.N. ESCOR Supp. (No.3) p. 62, U.N. Doc. E/5768[E/CN. 4/1213] (1976).

92. Ibid.

93. UNESCO, [Symposium on the New Human Rights : The Rights of Solidarity, Mexico City, 1980, UNESCO Doc. 55.81/CONF 806/4 (1981)], Annex III, at ii.

94. Declaration of Tehran [23 U.N. GAOR Supp. (No.4) at 1, U.N. Doc. A/Conf. 32/42 (1968)], para. 13.

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Sheikh Mohammad Abdullah-Leadership Style & Leadership Behaviour-

A HALF CENTURY OF DEDICATED PUBLIC SERVICE

(1932–1982)

Dr. R. D. SHARMA

ARCHANA PRAKASHAN

17, ASHOKA HOTEL SHIMLA-1, 1983



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Dedicated to

The Common docile meak, gentle illiterate Kashmiri Musalmans with whom. I suffered humiliating indifference at the hands of wretched bureaucrats and cyco-phancy-loving poorely gifted polticians during my stay in Kashmir (1965-75)

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Sheikh Mohammad Abdullah - Leadership Style & Leadership Behaviour

(A Half Century of Dedicated Public Service)

(1932–82)

I. Politics of Populism

It is not difficult to say that Sheikh Abdullah did weild considerable influence among the Kashmiri masses. His popularity of pre-1953 days as well as post-1977 Assembly elections proved that he was the doyen of the entire state, not even excluding some districts of Jammu Province. Speculation and unaccountable doubts (some of these unacceptable) were attributed to the circumstances in which he was arbitrarily arrested and dismissed from Prime Ministership of the state in 1953. These facts had adverse effects on his popularity, more particularly . . .he Hindu dominated province of Jammu. The only people in Jammu who regarded him as a potential voice of the state were those who had faith in his secular views.

In the valley, only Abdullah's writ used to be carried even if an impartial observer of state politics has to comment upon his popularity in the Kashmir Valley, (precluding the extra-ordinary attendances on Fridays at Hazratbal Shrine-the main platform of Sheikh Mohd Abdullah to communicate his political views to the masses), apart from the press statements which are primarily meant for external consumption, one would unhesitantly say that Sheikh was the one voice of the valley—a voice pre-eminent. He had been

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dictated by his own convictions in the past. He led people with his own upright conscience. His politics was of pre-eminence. He had unquestioned faith in popular support for him and immence self-confidenec. These were rare qualities, not commonly available in any political leader.

An exemplary change of views was an essence of politics of Sheikh Mohammad Abdullah. His declaration at the opening session of the Kashmir Constituent Assembly in 1951 was recorded thus: "You are the sovereign authority in the state of Jammu and Kashmir. What you decide has the irrevocable force of law". This is not the only example wnen Sheikh had emphatically and unconditonally reitrated his governments' as well as Assembly's acceptance of accession of the state to India. The Preamble to the Constitution of J&K State Constituent Assembly 1956 read: "We the people of the state of Jammu and Kashmir, having solemnly resolved in pursuance of the accession of this state to India which took on the twenty sixth day of October, 1947, to further define the existing relationship of the state with the union of India as an integral part there of ....."

Despite these historical utterances and commitments, some observers are keen in changing these historical evidences and facts about accession, with their own interpretations. To qoute one Mr. Noorani, "The Assembly should have the power to finalize the issue of accession to India and a plebscite".1

The finality of accession had been decided once for all. Mr. Noorani tried to reopen the issue with the change of mind on the part of Sheikh Mohammad Abdullah after 1953. Sheikh Abdullah perhaps got annoyed because of the way he was ousted out of power in 1953 and replaced by purely an undemocrtic "substitute—government" (a puppet government) which was to be kept in power through undemocratic

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unwanted methods. Still Sheikh Abdullah retained his glorious past and continued to aspire to rebuild a prosperous state.

2—Sheikh Abdullah As a Prime Minister-Ideological Coherence :

Sheikh Abdullah was basically a Kashmiri nationalist. He had highest regards for the Indian nationalists of pre-fifties. His ideological training speaks for his lack of consistent inherent ideological training and background. He had failed to exhibit so far any doctrinaire qualities. His politics revolved round Kashmiri Nationalism constrained by two dominating currents of nationalism-Indian and Pakistani. Pakistan as a nation can survive longer but as a separate civilization it lacks identifiable ingradients more peculiarly unnoticeable from that of Indian Muslim's civilization. Pakistan is an outcome of mistrust on the part of those Muslim leaders who disbelieved the so called Hindu congresssmen particularly the leadership of A.I.C.C. The Indian political elite created two nations out of one. On the same premise India can woe-fully be divided into many nations if at all, it could be afforded to be created on the basis of mistrust. The psychologically fatigued political elite bothered about their own interests rather than the interests of the common Hindu and Musalman The political elite betrayed Indians in 1947 but not Sheikh Abdullah who remained Kashmiri nationalist and so he was at the time of his death. His 'cause' of politics was the **expultion** of dogra ruler and its replacement witn the rule of the Kashmiri people. He did not believe in communalism or even in two nation theory of M.A. Jinnah.

Sheikh Monammad Abdullah, the first Prime Minister of J&K State was bron 'posthumously' on fifth of December 1905 in Soura village, on the outskirts of Srinagar city. He was brought, up by his widowed mother. Sheikh Mohammad Ibrahim had died two month's before his birth, leaving behind five sons

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and one daughter. All his brothers were engaged in pashmina and shawl trade. Perhaps his brothers had taken a vow to educate him to the extent possible. Abdullah got his education in Sri Pratap College Srinagar. He had also passed his intermediate (Arts) from Jammu College[5]. Sheikh Abdullah did his graduation from Lahore in 1927. Quest for education was an inborn urge of Abdullah. Perhaps it was the only instrument according to Abdullah's mind to defeat domination of Pundits intelligentia and dogra rule over Kashmiris[6]. From Islamia College Lahore after his degree from Panjab University in 1928 he joined Aligarh Muslim University and qualified for M. Sc. degree in 1930. Sheikh Abdullah came back to Kashmir with the determination to rescue illiterate, poverty-striken Kashmiri Muslims from the feudal persecution, tyranny and humiliation.

Sheikh Abdullah was one of the prominent members of the Reading Room party of Fateh Kadal.[7] These were about a dozen muslim graduates who used to take part in discussions in a room at Fateh Kadal. B.P.L. Bedi and Fredda Bedi say that, "the young leader carried them (articles and papers etc.) about tucked under his arm, well wrapped up under his shawl"[8]. Sheikh Abdullah hard-pressed economically had to take up job as a science teacher with eighty rupees salary per month.

3 Political Initiation

Sheikh Abdullah himself described his initiation into politics in these words: "It goes back many years now in Srinagar on July 13, 1931, a serious incident occurred in which government officials resorted to firing to quell some disturbances caused by a public demonstration. I felt as if the bullets were penerating my heart My political life in the real sense starts with this firing on the people. A number of Kashmiris were killed or wounded and as I was helping a wounded man, he cried, "Abdullah, I have done my duty, Now it is for you to go on

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with our mission". I was greatly influenced by this incident.. .. On January 23, 1932 I was arrested again. By then I had already organized a team of workers to carry on struggle in my place.[9]

Sheikh Abdullah was imprisoned by Maharaja Hari Singh for leading an anti-Maharaja agitation known as "Quit Kashmir Movement". Sheikh was sentenced in 1946 for nine year's imprisonment. On 29th September 1947, Sheikh was released, perhaps with the intervention of late Pt. Jawahar Lal Nehru." In Oct.-Nov, 1947 an invasion of Kabaiylees, inspired, instigated and trained by Pakistani Army made Abdullah hero in the valley, and in his party. He mobilized a National Militia[10]. Maharaja Hari Singh in his letter of accession of 26th October 1947, wrote to Lord Mountbatten that he is setting up an interim government and asking "Sheikh Abdullah to carry the responsibilities" in the emergency as his Prime Minister[11]. On October 30th 1947, Maharaja appointed Sheikh Mohammad Abdullah as the head of the Emergency Administration. On March 1948 the Maharaja as advised by the Union of India, ended Emergency nature of administration in J&K State and nominated Sheikh Mohammad Abdullah as Prime Minister of Kashmir.

From March 1948 to August 9, 1953 Sheikh Abdullah ruled the state of J&K as its Prime Minister. During these five years of his leadershsp he thought of converting the state into a second paradise on earth—equal only to Switzerland. His dream failed him and so his close associates in the cabinet with the exception of Mirza Mohammad Afzal Beg. Sheikh Abdullah was deposed by Sadar-i-Riyasat and put in jail for alleged anti-national activities. Bakshi Gulam Mohammad was installed as the Prime Minister of the State after the arrest of Sher-i- Kashmir. Korbel summarizes Abdullah's fall in these words :

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"Thus ended, **at least** temporarily, the meteoric political career of the man who began as a national revolutionary, "the Lion of Kashmir", who thought as a socialist, acted as a dictator, manoeuvered as a petty Machiavellist and finally scummed at the hands of his life long associates at arms which he had often used himself".

Sheikh Mohammad Abdullah's achievements during the first three years of his Prime Ministership were as follows :--

1. Establishment of J&K University.
2. Adoption of Kashmiri as medium of instructions in primary education.
3. Publication of new text books.
4. Setting up of two Radio stations.
5. Setting up of Planning Committee.
6. Setting up of Trade Agencies at Bombay, Calcutta, Lucknow, Simla, Delhi and Amritsar.

Under the direct supervision of the Prime Minister Sheikh Mohammad Abdullah, his cabinet Ministers also did remarkable work. The above mentioned achievements were under the direct supervision of Sheikh Mohammad Abdullah and his Deputy Minister for Planning and Franchise Mr. D.P. Dhar, Bakshi Ghulam Mohammad's achievments as Deputy Prime Minister were as follows:—

1. Raising of Volunteer Organization of Peace Brigades.
2. Setting up of Labour Organization to provide work for the unemployed.

Mirza Mohammad Afzal Beg as Minister of Revenue did commendable work under the guidance of S.M. Abdullah. His contribution to the state was as given below.

1. Abolition of Jagirs, Mukarraries and Muafis.
2. Introduction of Tenancy Legislation which:--
   (a) gives the tenant a permanent right in the farm

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(b) entitles him to keep 3/4th land of the land-lord, and protect tenancy

(c) bans indiscriminate ejectment of tenants.

3. Making of Zaildari and Lambardari Offices elective.
4. Stay of realiization of debts.
5. Land to the tiller.

The achievements made by Sh. G.M. Sadiq as Minister for Development and Sh. G.L. Dogra, Minister for Finance were also praiseworthy. Similarly Col. Pir Mohammad Khan, Minister of Forests and National Militia had done mentionable work in the following manner.

1. Raising of National Militia.
2. Setting up of National Cadet Corps Organization.
3. Grant of trees free of charge, to refugees. to rebuild their destroyed homes.

G.L. Kaul writes that "greatest achievement of Sheikh Mohammad Abdullah was the convening of the sovereign Constituent Assembly for the state which met in October 1951; seventy five members of which returned on the basis of adult sufferage and joint electorate[15]. Majority of the members were elected unopposed.

4— Assesment of Political Leadership of Sheikh Mohammad Abdullah:

Pandit Prem Nath Dogra- one time staunch political opponent of Sheikh Abdullah called him as "a communalist in Kashmir, a communist in Jammu, and a nationalist in India[16]". Thus, Pt. Pram Nath Dogra projected his party's (Jan Singh) bitterest vehemance against a true leader of majority community in Kashmir.Joseph Corbel, too had not very good words for Abdullah. He says "**The story of Sheikh Abdullah is a sad**

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and sorry one. It is the story of a patriot, once passionately devoted to his people's welfare, but one whose patriotism was too shallow to reject the temptations of power. Once a fighter, he turned into an opportunist and, worse, a dictator who at the end found himself entangled in the web of his own methods and policy."[17] Such vehement criticism of Abdullah was also seen in a national paper: **"The cause of the continuing Kashmir imbrolgio is Sheikh Abdullah. And the real clue to his shocking transformation from patriot to partisan, from the well beloved Sher-e-Kashmir to inspirer of the pro-Pak Plebiscite Front is his innate communalism "**[18]

5—Inconsistencies Multiplied:—

One of the most striking traits of Sheikh's personality was his unpredictable behaviour. Is it not the evidence of his mercurial behaviour that after almost fourteen years of imprisonment in Indian jails, the great leader behaved contrary to the expectations when he signed the Accord with Mrs. Indra Gandhi in 1974 ? The Accord was not an act of trust but an act of mis trust against conscience and convictions reposed in Indian leadeship by S heikh.

Inder Malhotra says : **"most important factor is Abdullah's mercurial personality. Blessed with the rare gift of charisma greyed in the service of the people, the Sheikh is among the more attractive leaders of men in the entire sub continent. But he can also be over bearing and infuriatively unpredictable."** Sheikh's unpredictability was most typical of his traits. His conflicting statements can be inter-linked to provide some meaning to Indians, Indian Muslims, Indian Government and Kashmiri Hindus as well as Muslims. All get satisfaction from different statements given on different occasions at different places.

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B.P.L. Bedi and Freda Bedi wrote about Abdullah in these words, **"the spirit of man's speeches may be one whatever the phases of the movement changing circumstances, new policies, developing ideas** Such a test illumines, Gandhi ..... it reveals the true Jawahar Lal. **That test too brings out the simplicity and greatness of Sheikh Mohammad Abdullah, of the youngest,** the least intimately known, of the Great Three, Sheikh Mohammad Abdullah-Sher-i-Kashmir." But alas ! the spirit of Sheikh Abdullah's, speeches did not reveal that "oneness" which Bedi's had described. Abdullah's skill as a great political leader and manipulator is acknowledged by even his political opponents. "A rare combintion of skilful manipulator .."[21]

Sheikh Abdullah combined tn him rare qualities of democratic humanism. Universal Islamism and liberal radicalism. His qualities as a leader were unquestionable. His personality traits were uncomparable to any Muslim leader of post-independence India.

6 **Charisma, Enigma and Contradicton**: Sheikh Abdullah can be described in length but precisely and exacty very little. What was he? Even he would not possibly be able to describe himself. He was plain simple man, working for the good of the Kashmiri people. Russell Brine tried to depict what meant Sheikh to him in these words: "Sheikh Abdullah, in some **ways most enigmatic. From somewhere, he had inherited the charismatic appeal that is so important** in Asia. He used it so effectively that he remains the dominant political figure in Kashmir despite years of imprisonment and eclipse. An imposing man who stands 6 feet 4 inches tall, he can attract and move audiences of thousands with his oratory. **What he tells his people and the world is sometimes** confusing and contradictory, but the **central theme was independence and Kashmiri nationlism[22].**" Sheikh's proverbial inconsistancy was due to dramatic

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political changes which Government of India had brought about in J&K State by removing him from power and establishing Bakshi Ghulam Mohammad as the Prime-Minister. The undemocratic removal of Sheikh from Prime-Minister-ship by an authoritarian method by the Sadar-i-Riyasat compelled Abdullah to retreat from his earlier commitment and statements causing more embarasment to Indian leaders much less to the political analysists of J & K state politics. **The author of this research monograph believes that the proverbial inconsistency and contradictions in the political roles of Abdullah were irrelevant to a rational Kashmir-watcher. Abdullah was right to change—India was right to safeguard as nation its interests even if her actions are judged from any acknowledged international standards of political morality.**

The enigmatic trait of Abdullah spoke for his statesmanlike use of political phrases and terminology to suit his interests and above all the interest of the Kashmiris. A. Hariharan has rated Abdullah as enigma in these words: **"Sheikh Abdullah has been talking in riddles and no one, least of all Mrs. Gandhi, knows what he wants or what he is doing."**[23]

7—Political Behaviour :

One of the Kashmiri politicians of old days, an ex-M.P. speaks about Abdullah in these words:—"In 1930 this tyrannical rule reached its peak and at the slightest provoation, force and violence were used by the officials. During this tryannical period, a tall thin youngman with some companions and an immence faith in God, came like an explosion of a bomb of freedom - When the youngmen who led this revolt against the ruler was put in jail, the whole valley resounded with slogan "long live the lion of Kashmir".[24]

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Sheikh Abdullah became the talk of very household in Kashmir for his love for freedom of the motherland against oppression and tyranny. Sheikh did not like treatment meted to a Kashmiri who were called a "Hatto"——to be harshly dealt and treated like dumb driven cattle. Sheikh was the first to raise the slogan : "It is the right of Kashmiri people to form their own government."[25]

Sheikh Abdullah was assessed by a competent journalist who worked in a reputed English daily (Ian Stephens) in these words: "On April 21, I spent three hours with Sheikh Abdullah, one of modern Asia's most controversial figures ...His clothing and apparent way of life surprised me. Said to be the son of a poor shawl-maker, he had been publicized in India as a man of the people, the blue lounge suit, the conventional necktie, The petdog the well-kept garden, the large dwelling in the background-indicated a westernized politician established in comfortable upper-middle-class type [26]

Stephens says Abdullah was "courageous, forthright, vigorous man' intelligent, though without great intellectual range, gifted with strong personality, therefore, an inspiring leader of the down-trodden obviously non-communal, wholeheartedly so .. pre-eminently he appeared to me a Kashmiri patriot, full of zeal to improve his countrymen's plight; preoccupied with the vale "

Perhaps no better assessment of Abdullah has so far been made by any person than this reported author of "Horned Moon", despite of the fact that the basic, theme of the book was biased in favour of Pakistan than towards India and Kashmir.

8—Extra-Ordinary Sheikh:
Widened Political Outlook And Gracious Living:

The Sheikh was no ordinary a man to be assessed in so little words. Even if his political outlook had not widened as a

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result of studies during the long spell of enforced leisure in jail, he had acquired the airs of gracious living such as "love of flowers and gardening which nobody who knew him as school master and Kashmir's head of Governmet" remembered to have seen in him.[27]

Sheikh Abdullah was really a leader incarnate with an absolute desire to see Kashmiris prosper economically keeping togather the culturally much different parts of the state. He would have wished to see that all the three regions of the state develop simultaneouslv not withstanding the abundant raw materials and richness of soil of the valley to which he primarily belonged.

9—Abdullah And "New Kashmir"– Programme;

The National Conference under the leadership of Sheikh Mohammad Abdullah started a new programme of building "Naya Kashmir". The new programme envisaged "to fight the immemorial poverty of the peasant and the artisan, and the unmitigated helplessness of worker." The programme consisted of two parts; the first part related to constituional aspects of citizenship, the National Assembly and electoral system because the National Conference believed that the political freedom is not enough, that to make it durable and effective means of peace and progress in a country, it must be founded on socio-economic freedom". In order to achieve socio-economic along with political freedom, the National Conference formulated Naya Kashmir programme of economic planning and through it the upliftment of the Kisan and the Mazdoor.

The Abdullah ministry had proclaimed its priorities of action in these words: we realize that political freedom is not enough; that to make it durable and an effective means of peace and progress in a country, it

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must be found on socio-economic freedom."[28] Sheikh Abdullah always **propagated the three main ideals of his party; socialism, democracy and secularism.** Sheikh had loved Kashmir usher into an era of social order based upon economic justice and freedom.

10.– Abdullah Idolized-the Lenin of Kashmir:

The most satisfying admirable epithet conferred on Sheikh Mohammad Abdullah was his role as a Lenin of Kashmir. Thus worte C L. Kaul about Abdullah:
"Sheikh Mohammad Abdullah, Lenin of Kashmir, was born in December 1905 in the family of a shawl-makers at Soura first a communalist (1931), than a nationalist (1939) and later a socialist (1944)'

Sheikh Mohammad Abdullah rode a highhorse."[29] Mr. G L. Kaul may not be wholly correct to say that Sheikh was a communalist in 1931. This aspect of Sheikh's personality has not been correctly analysed by Mr. Gia Lal Kaul

11—A Kashmiri Nationalist: Sheikh Abdullah, as we have already described him, was called a true Kashmiri nationalist or a champion of Kashmiri Sub-Nationalism. K R. Sundar Rajan repeats this assessnent in his article about future set up of Kashmir: "In this set up: Hindus, Budhists, Sikhs and other minorities will be given all possible protection, **butthe levers of political, administrative and economic power will be in the hands of Kashmiri Muslims. Even the Muslims of Jummu and Ladakh will have to play a secondary role. This is the reality.**"[30] Sheikh Abdullah,s assessment as a true Kashmirl cannot be taken as his **over-whelming bias toward valley with zealous disregard for the other two regions.** The latest developments disapproved the apprehensions widely held in India. Sheikh Abdullah had tried to keep Ladakhis

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and Jammu-wallahs with him in a very wisely selected united team of Sh. Sonam Norbu from Ladakh and Sh. Devi Dass Thakur from Jammu. Sheikh Abdullah was keen not to ignore the regional aspirations of these two areas, in an attempt to efface his earlier tarnished image of a valley-wallah. It is commonly believed in J&K State that in near future no Jammu -wala can dream to become Chief-Minister. This speaks for the dominance of the sta te politics by the people of Kashmir Valley particularly the Muslims.

II—Ambition Absolute: One of the Sheikh's fascinating personalty traits was his quest for unchecked power. Power-nay absolute power-yes. Lord Action had advised politicians and students of politics as well as the citizens that "power corrupts and absolute power 'absolutely". But "ambition" plays important role for attempts for access to power. S. Vashistha writes; "Sheikh Abdullah, being very ambitious, had one dominating ambition to absolute power. He was prepared to go to any extent and use any means to achieve it"[31]. It was his ambition that had brought him to power second time. It was highly unexpected and unbelievable. It was a mere dream to have ever thought that Sheikh Abdullah would come to terms with India and with Mrs. Indira Gandhi by ousting a duly established Congress Chief Minister Sayed Mir Qasim. It was a miraculous political feat of Abdullah to have utilized his cards with rarest diplomatic style. Shri Rajagopalachari had called Sheikh as an unquestioned leader".[32] Acharya Vinoba Bhave beautifully described Sheikh in the following words: "The Sheikh was like a person, unable to swim, caught in a flooded-river. Only those who could not swim, flung their arms and legs desperately about and shouted themselves hoarse and ultimately they sank."[33]

Shri Vinoba Bhave the saint proved a bad futurologist. It is difficult to analyse and assess Sheikh Abdullah. It was not easy to read his mind. What Vinoba Bhave said about Abdullah was

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only true for a short period. Sheikh did not sink any time. Instead Sheikh had startled people all over the world by restarting swimming as a Chief Minister of J&K State after remaining out of power for nearly twenty two years.

12—Sheikh the Realist: Above all it was the realism[34] in Sheikh which had paid him to his last day. He was confident that victory of secular democratic forces over communal, narrow, parochial elements in Kashmir, was certain. His realism and unshakable faith in ideals of democracy, socialism and secularism were the virtuous traits of his not-so.well analysed personality.

13—Sheikh Mohammad Abdullah
Leadership Analysis:—

1. Sheikh Mohammad Abdullah was a charismatic leader,
2. He had master-minded the psychology of the poverty-striken masses of the valley. He had in the past successfully hypnotised the speechless, the simpleton "hattoos" living in abject poverty. Thus Sheikh was a mass-leader with a strong mass-base in the villages of Kashmir.
3. Sheikh had belief in personal contact with his followers. He had no "go-betweens" to depend for vote collection. There was no other linkage between the political leader and the voter, except that of his own personal acquintances which he had successfully developed for the last fifty years.
4. Sheikh had become symbol of representation of the majority of the Muslims of the valley who were either farm-labourers or small farmers before 1947. He provided material benefits to majority of the Muslims through his radical land reform measures. This single revolutionary step gave Abdullah a strong support base in the villages. His radical land measures projected in the slogan-"Land to the Tiller" and his most revolutionary step to salvage thousands of poor farmers from

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the clutches of ruling Pandit-Dogra oligarchy provided him yet another occasion to be endeared by the masses working under near-slave conditions as bonded-labourers of Kashmiri Pandit money-lenders and land-lords. No other Chief Minister so far, in the whole of the country had provided so mush of economic benefits to such a larger percentage of population in such a short period i.e. within five years of independence (between 1947-1953) as Sheikh Abdullah had done.

5. Sheikh Abdullah stood for basic political values e.g democracy and secularism. His faith in these basic values had compelled him to allow Kashmir to accede with India.

6. Sheikh Abdullah was a visionary who had dreamt of a "Naya Kashmir" Some of his old dreams were gradually realized after his assumption of political power again in 1975 till 1983 there had been tremendous development all round in the state in almost all sectors with the exception of industries and power-generation. Sheikh had successfully transformed the Kashmiri society into a progressive forward looking maturer community.

7. Sheikh was protogonist of self-reliance and believer in self-respect of not only his own self or the leaders of his party but all the Kashmiris. Any **inroad** to self-respect was considered by him as grave challenge to the spirit of Kashmiri life and he did not hesititate to stake anything in his attempt to defend honour, integrity and the "Spirit" of Kashmiri population.

8. Sheikh had successfuly tried to build a team of honest, humble looking, simple, sincere and dedicated party workers so that another generation of young leaders get adequate experience and opportunity to develop their leadership qualities during his own life time. His attempt to provide clean administration was visible from his single act of inducting judges, magistrates, engineers and doctors of good reputation into his cabinet. His attempt to save National Conference from "tough" individuals was seen in his attempt to encourage Dr. Farooq Abdullah to share with his father burdens of the political party.

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9. Sheikh was not only a source of strength to the people of Kashmir but a monument of restraint on people sitting away from Srinagar, thinking to decide things for Kashmiris without taking into consideration their popular sentiments, Thus Sheikh was a leader of exceptional qualities and abilities next to none else than Shri Jawahar Lal Nehru among the new generation leaders of thirties and forties in India.

10. Sheikh was an administrator par excellence. His concept of "Single Line Administration" is unique. His attempt to take Government staff and offficials to district headquarters to listen and to decide problems on the spot was a marvellous innovation in modern Public Administration.

EPILOGUE

The present research monograph was written before April 1982 when the author was teaching in the Post Graduate department of Political Science, University of Jammu and Sher-i-Kashmir was alive as Chief Minister of J&K State. After his death we had to change the script to fit it to the account of leadership behaviour of leader that was.

As the present manuscript is being published I must admit that I had been an uncommitted impartial observer of a political person. I have tried to portray a kashmiri leader as an outside observer with inside knowledge. It has not been written with any fear of suffering retaliation at the hands of Sher-i-kashmir's successer nor with an intention to appease any one for personal benefits. It is not like an incharge of a political science department who guided a ph.d monograph and entirely got it changed when Sher-i- Kashmir again came to power in 1975. I leave it to impartial critics minus above-mentioned opportunist cycophants to evaluate it. God help the opportunist cycophancy—Amin.

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SECESSIONIST MOVEMENTS AND RISE OF MILITANCY IN KASHMIR - A CRITICAL APPRASAL

By: Dr Vidya Bhushan

The motivational variations arising out of varied political considerations and failure of the leadership at various levels to reconcile the various claims and aspirations, the faulty policies of the central governments the soft and permissive attitude of the central leadership since independence; the policies of deception, spurious democracy, habit of mursing illusions; political mishandling; unwholesome legacies of the past; the infirmities of administration; the fundamentalization of religion, public corruption, environmental disruption, regional differences, the repeated communal rights in different parts of the country, time and again slogans for the abrogation of Art 370 of the Indian Constitution the malicious Pak- propaganda infilteration from across the borders and Pak- Sponsored subversion; the increasing numbers of various fundamentalist and secessonist groups; the rising number of unemployed youths and the other dynamics of the negative forces led to, not only the accumulation of bitterness, frustration and generation of a sense of betrayal and alienation among the millions of Muslims population in the state but also to the emergence of secessionist movements and rise of militancy in Kashmir.

The emergence of secessionist movements and the rise of militancy in Jammu & Kashmir, which resulted into the clossal loss of men and material are, however, the product of years of unforecitedness and political mishandling at many levels- the centre and the state.

Before I discuss the major blunders committed by the central and state leadership in this regard, I may first refer to a few irriating questions specifically being raised in the minds of a prudent man about the presen- nt crisis in the state:-

1. How the Kashmirs, who had upheld the secular

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outlook in the past, rejected two nations theory of the Muslim League, opposed Kashmir's accession to Pakistan, fought against the brutal tribal invasion in 1947, suddently became anti-India, anti- Hindu, anti- democratic and started demanding state secession/independence?

2. How the confidence of Kashmir Muslims in Indian secularism witnessed in forties and early fifties, has been by and by shaken?

3. How could members of a docile, timid, peace loving non marshal community have taken up arms?

4. How could a community which was favoured with lavish central aid be so ungrateful?

5. How the policy of appeasement and pampering has miserably failed despite liberal doles and largess pumped in the State?

6. How, a few hundred misled Kashmiri unemployed young men trained in and infiltrated back from Pak occupied Kashmir could stir a mass movement among the three to four million Muslim population in the Valley and bring them to the brim of the crisis?

7. How, Kashmiris, who have already faced bayonets and bullets of autocratic army, tribal invaders, Pak-army, have become so important to stand and fight against the misguided young Kashmiri, who have taken to arms, and the missionaries from across the border?

8. How the Kashmiri masses have been made to believe that the malicious anti-India propaganda launched by Pakistan T.V. Radio and press is true and even the news from Indian, T.V, Radio and press are false?

9. How the All J&K National Conference which made sacrifies during the struggle for freedom in the state, always secured the absolute majority in the elections, suddenly began to lose its popular support in the valley

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10. How the Kashmiris allowed the militants to spoil the sanctity of the religious worship places for their selfish and personal ends in the valley?

11. How they were made to witness like spectators the burning of religious worships places and the property of non- Muslims?

To understand the current scenario, it is essential to peep into the past to know the roots of this problem as well as the blunders committed by the centre and the state leadership from time to time.

i. The first and biggest blunder, said to have been committed by Indian leaders, was naming Pt. Nehru as Gandhis successor, and made him First Prime Minister of India in preference to Sardar Patel- the iron man of India.

Pt. Nehru was no dobut an intellectual and no one could question his patriotism and immense love for Indian people yet he was not at all a shroud diplomate. He deliberately delayed the accession of state with Indian dominion and to sent armed forces to Kashmir. He not only stressed the to make Sheikh Mohd. Abdullah the Prime Minister of the State first but created certain mis-givings in the process of state accession.

ii. Another blunder said to have been committed by handing-over Kashmir's Affairs Department to Pt. Nehru whereas all other princely states affairs were being dealt by the then Ministry of states headed by Sardar Patel.

iii. Another blunder said to have been committed by the Central Top Leadership (Pt. Nehru) to get the Maraja of the Kashmir Hari Singh ousted from the State in 1949 by injuring the sentiments of the Dogra Community of Jammu and Buddists of Ladkah.

iv. The next in the series was to name head of the Govt. in J&K as Prime Minister and not Chief Minister as was in the case of other Indian Princely States.

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v. Another blunder said to have been committed by the then Prime Minister of India who ~~xx~~ to refer to Pak-agression to United Nations on the advise of Lord Mountbatten by ignoring the advise of Sardar Patel, Kunzru, and host of other intellectual around him.

vi. A Blunder said to have been committed by referring Kashmir issue to U.N.O under Chapter VI (Pacific Settlement of Disputes) and not under Chapter VII- (Action with respect to threat to peace, breach of peace of act of agression.

~~xiixxxNextxinxthexseriesxxxwasxthexgrantingxofxspecialx statusxtoxJammux&xKashmirxStatexandxarticlex37~~

vii. The next in the series was aggreeing cease-fire in 1948 with Pakistan~~k~~ much against the wishes of the Indian Military Commanders and at the time when Indian Army was in a position to get the territory of Jammu & Kashmir vacated from the Pak and Tribal Invaders.

viii. Another blunder said to have been committed by allowing the Jammu & Kashmir to have its own constitution, framed by its own consembly, having separate flag, separate emblem, separate national song. Thus allowed our credibility to be suspected in the eyes of the world.

ix. Next in the series was to name newely set-up Radio Station in Sringar in July 1948 by naming it as Radio Kashmir Sringar and not All India Radio.

Similarly, a Radio Station set up at Jammu was named as Radio Kashmir Jammu and not All India Radio.

x. Next was to make a promise to ~~wh~~ hold plebiscite to resolve Kashmir issue at the international forums much against the wishes of some of the top Indian Leaders.

In simple words Indian leaders done everything under the sun to believe that Kashmir was not any integral part of India.

xi. Another blunder said to have been committed to get Sheikh Mohd. Abdullah arrested in August 1953 by

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dismissing the first popularly elected government and subsequently let lose the rain of terror in the valley.

xii. Even at Tashkand in 1966 our leaders, while ignoring national interest gave up certain strategic positions capture by Indian soldiers to Pakistan in exchange of certain less important positions merely because Pakistani leaders made so called commitment " not to have recourse of forees in future."

xiii. Indian leaders could not fully protect the national interest even at the time of signing Shimla Agreement in 1972. They unconditionally returned 5000 sq miles of capture area alongwith 93,000 P.O.W without making Pakistan to agree to final settlement of Kashmir dispute and returned the whole of Pak- occupied Kashmir.

In short our central leadership lost in diplomacy whatever our brave soliders gained on the battle-field.

xiv. Another blunder committed by the Central Leadership was to instal puppet government in the state which further contributed to the alienation of Kashmiri masses.

xv. Another in the series was to get release dreaded militants from Kashmir Jails, against the wishes of the then State government, to get release the daughter of the Indian Home Minister - Rubya Sayeed.

xvi. Another was to get release some other dreaded militants from Jammu Jails in Dec. 1998 to get released the passengers of High-Jaked plane to Kandhar against the wishes of the then State Governement.

xvii. Central Government always tried to find alternatives in Kashmir without considering its impact on the people as a whole. For instance Sheikh Abdullah was replaced by G.M. Bakshi, Bakshi by G.M. Sadiq, Sadiq by Mir Qasim, Dr. Farooq Abdullah by G.M. Shah after the dismissal of Farooq Abdullah in 1983.

xviii. There were faulty election allianees e.g. Farooq-Farooq alliance, Rajiv- Farooq alliance etc.

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xix. There was a lack of clear-cut central policy strong will to handle the militancy in Kashmir.

xx. The rightist parties in India also put fuel into the fire. A communal rights, the Mandir Masjid Controversy the slogans of Akhand Bharat Hindu Rashtra abrogation of article 370 of the Indian Constitution have their adverse impact on the minds of Kashmiri Masses.

xxi. There was a complete failure of Indian media to counter the false propaganda launched by Pak- media to internationlised Kashmir issue and to infuse communalism in Jammu and Kashmir .

xxii. Last but not the least was the emergence of corruption in Para- Military Forces posted in Kashmir Border that is why they could not effectively check infiltration of militants in the valley from across the border in the very beginning.

In short the central leadership had made mistakes one after the other in handling Kashmir issue at local, national and even at international levels.

At the state level to number of blunders have been been committed by the Kashmiri leaders from time to time some of them are as under:-

i. On August 15, 1947 India and Pakistan emerged as two independent dominions. Maharja of Kashmir was caught on the norms of dilemma whether to accede to Indian dominion or to pakistan or to declare Kashmir as an independent state. Kike some of other princes, he too, being carried away by sentimentalism rather man realism and supported by his advisors and even of the leaders of the politically conscious groups in the state, fondled with the idea of independence He deleberately delayed to decide the question of state accession which caused the serious repercussions.

ii. There was closet relationship between The All J&K National Conference and Congress leaders in pre-independence era by maintaining their separate identity.

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But such relationship could not be carried on between both the parties in post independent era.

iii. Divergent views of central and state leadership about the accession of Kashmir with Indian dominion for Indian leaders it was just a part of process of integration of Indian states. Whereas Kashmiri leadership believed that the entering instrument of accession with India was simply to get help from her to defend its people i.e to seek help from superior power stronger neighbourer to defend the sovereignty, integrity and independence of a weaker neighbour.

iv. Divergent views about article 370 of the Indian constitution, Indian leaders believed that as Art. 370 has been kept in part xxi temparary and transisary part of the Indian constitution it can be abrogated/ repealed by Indian head of the state. Whereas Kashmiris believe that it cannot be abrogated, repealed or amended unilaterlly, if it is done it would cause a serious breach the trust reposed by the Kashmiris i.e. protection of its special status in Indian polity and constitution.

v. Kashmiri leaders wrong polcies toward Jammu and Ladakh Regions. Kashmiri leadership repeatedly condemned the Dogras of Jammu for the killing of Muslims in Jammu in 1947 without uttering a single word in the sympathies of Hindus who had been massacred in Mirpur, Bhimber, Poonch, Rajouri. They even did not bother much about the political and economic development of Ladakh Region. This resulted a direct conflict between the intergrationist and autonomist forces in State.

vi. Kashmir leadership did not allow the anti- national pro-pak elements in the valley to be liquidated. Some of them believe that in their absence centre would do whatever it like in Kashmir. Bakshi sustained this element by different ways and same did by the other successive regimes.

vii. Because of rigining in state's elections the people of Kashmir have lost faith in Indian Democracy which

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contributed much to the allienation of Kashmiri masses. This problemxxxxxxxxxxxxxxxx took a serious turn in 1987 Elections. Just after the election the state leadership get arrested their opponents and tortured them in various Police Stations.

viii. The loop sided economic development in the state in which its benefits have gone to some sections of the socieities and the majority of the people are still poor, ill fed and ill clothed, rise of unemployment, corruption and kkk in effective regimes, anti- national, scessionists as well as militants have started operating in the valley as well as in the Muslims Dominated Belt of Jammu unchecked and unconfronted except by army.

ix. The politics of rightest parties and groups in the valley such as Awami Action Committee, Plebiscite Front, Jammat- e-Islami, JKLF, Hurriyat Conference as well as Jammu such as Praja Parished, Jan Sangh, Shiv Sena etc. also caused a greatest harms to the national interest in the state.

In short the scessionists movements in the valley and the integrationists movements in Jammu have played their role in destroying the peace in the state.

We keep on blamming Pakistan for the trouble of our own making. We accuse her for organising training camps for terriorists along the Kashmir border, a fact that is true and now accepted by all nations. But nothing could have happened without the sympathies of the Kashmiri masses. The situationx was quite xxxxx ripe. Pakistan just moved in with greater and more intensifed emphasis on training, enhancement of financial inducement and sophisticated weaponary.

I may conclude with the remarks of Mr. JagMohan. that " The current turmoil in the valley has long been in the making. Its roots be enbedded in the emergence of secessionist movements and fundamentalisation of Kashmir politics.

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POLITICS OF REGIONALISM IN JAMMU & KASHMIR

* Dr. Vidya Bhushan

Regionalism, being the first and foremost manifestation of the diversity of a state,referring to assertion of distinct ethnic ,linguistic or economic interests by various groups with in a nation and which stands for the intensive love of a particular region or an area in preference to the country as a whole or even a region in preference over the state of which the region forms a part ,is the manifestation of those residual elements which do not find expression in the national polity and national culture and excluded from the centrality of the new polity, as well as a highly parochial sentiment which blinds the people of a region to the broader requirement of a nation or the community as a whole.There may be manifestation of regionalism even with in a particular state when a small area puts forth its claims against the other areas or the state as a whole. If communalism stands for the love of a community at the cost of the society ,regionalism stands for love of a region or an area in preference to the country.

In a composite society like that of India ,which consists of various ethnic,lingualistic,cultural,religious and other groups ,there is bound to be tension and manifestation as a result of assertion of identity such as religious identity and separate identity of certain castes or class or groups. Moreover,regional imbalances, economic and political inequality among the various gropus or religions ,the psychology of a bruised sentiments ,the centre's or the state indiffrences to a particular region,communalism based on religion,identity crisis and the increasing of the fissiparious tendencies are the potent forces which are eroding the common bounds of unity and promoting acute regionalism.The sub-national factors have,therefore,become more prominent and manifested in the form of violent agitations either demanding greater autonomy or power or complete secession and creation of a sovereign state.

However,the geo-political profile of the State of Jammu & Kashmir,like that rest of India,clearly depicts its heterogenity.It is a union of the three geographically dislocated,culturally dissimilar and linguistically distinct regions viz Kashmir Valley,Jammu and Ladakh.The political and emotional divergence between the three regions have been growing over the years.The multiplicity of its ethnico-religio-emotional divergence among the regions not only sharpened the regional identities among them but also have deep impact on the over all politics of the state.The distinctive characteristic of Kashmir's Valley politics and its identity have,therefore,automatically carved out two other regional identities on its either side separating it from Jammu by the geographical barrier of Pir Panchal and from Ladakh by Zojila.

As there exists communal dichotomy, regionalism,an awareness of one's own cultural heritage,historical traditions and a sense of political individuality,there have been controversies,turmoeles and clashes of conflicting

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interests of different regions in pre-independence in general and in post-independence in particular. No serious attempt had ever been made by the Dogra overlords,who kept the whole J&K state under their control per force for a century in pre-independence as well as Kashmiri leadership since independence for cohesion,solidarity and integration of the people of these regions by the fusion of their distinct streams of culture,ways of life and thought. This also resulted in the absence of the inter-regional and inter-communal strong political party deriving its legitimacy from all the three regions of the state. Despite an uninterrupted Party Dominant Rule in Jammu & Kashmir since independence its heterogeneity has helped in devoloping in each of these regions its distinct and aggressive political entity and also its divergent political aspirations without caring for the instrests of other two regions.

As the geo-political position of the state of J&K is so strategic and delicate, the regional diversities in different aspects led to fragmentation and complication of politics of the state as well as strengthening the adversaties with in and also across the borders touching it.

However, the Kashmiri leaders, during their struggle for freedom from autocracy in the state, often called Maharaja Hari's (the last Dogra ruler)rule as Dogra rule and condemned the Dogras.They forgot that Dogra was not only the name of the ruling family ,but also the community living in the Jammu region.They ,thus ,alienated the Dogras of Jammu.At the same time the popular sentiments in Jammu region ,believing the than Maharaja as the symbol of their security against the majority community ,particular of Kashmir region,linked their fate and security with him.

Regarding the Maharaja as a political and cultural symbol, they sided with him in his attempts to retain more and more political powers. It seemed to Dogra nationalists of Jammu that the prospect of democracy in the state would be nothing more than being exposed them to the whims of a permanent majority (i.e.the Kashmiri Muslims) of the state and its leadership.They,therefore,opposed the very basis of the Kashmir's struggle for freedom.Moreover, the open condemnation of Hindu Dogra Maharaja by the Kashmiri leadership not only created but hardened Jammu distrust against Kashmiri leadership.The Dogras of Jammu,therefore,opposed every political move from the Valley without evaluating its plus and minus points.They ,thus,played a negative role throughout the struggle for freedom in Kashmir against autocracy in pre- independence.

The entire course of political movement in Kashmir,which was started in July,1931 against the Dogra monarchy and its vicissitudes can ,on the other hand, broadly be interpreted in terms of the urge of the Kashmiri nationalists to seek avenues of self-awareness, self-expression, self-assertion and self-determination through varing manifestations and relationship.

But the post-independence politics of Jammu appeared to be based on both inter-regional as well as intra-regional conflicts.The Hindu dominated belt of Jammu had found its effective expression in a Hindu dominated political party known as The All J&K Praja Parishad,which first sought the security of Dogras in the retension of Maharaja as a constitutional head of the state and then

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favoured full accession of the state with Indian Union and opposed the creating special status of Kashmir state under Art. 370 of the Constitution of India.But the ouster of the Maharaja and abolition of monarchy subsequently further deepened the distrust of the Dogras of Jammu against Kashmiri leadership.They even opposed the then most needed and most radical reforms of the National Conference Govt. such as Grant of Fixity of Tenure to the Tenents in respect of Tendency holdings; Fixation of Maximum Rent Payable by the Tenant to his Landlord; Providing for Summary Reinstatement of a Tenant,who had been wrongfully Ejected; Restitution of Mortaged Proporties; Relief Under The Distressed Debtors Act.; Abolition of Jagirs,Muffasies and Mukararies, and even The Big Landed Estate Abolition Act of 1950.They also opposed the incorporation of Art. 370 in the Constitution of India; Convening of the State's Consembly ; Framing a separate Constitution for the state and raised the slogan of Ek Pradhan,Ek Vidhan and Ek Nishan.Being not in a mood of raising the voice for rights of Jammu vis-à-vi s that of Kashmir,they even lost the confidence of the Jammu Muslims.

The Kashmiri Nationalist,on the other hand, wanted to retain maximum Autonomy,stood for limited accession of the state with Indian Union and making Art.370 a permanent feature of the Indian Constitution.Sheikh Mohd.Abdullah time and again stressed that Kashmiris had maintained that the special position accorded to the state could alone be the source of a growing unity and closer association between the J&K state and Indian Union.He even made it clear to Dr.S.P.Mukerjee in his letter to him dated 4th Feb.,1953. He further strongly pleaded that if that basis of the relationship was unilaterly altered,certain dire consequences were bound to follow.

In 1949 Sheikh Mohd. Abdullah's cabinet,however,consisted of only one Minister from Jammu and though the position improved marginally under the subsequent regimes but the fact remained that the effective political and economic powers remained to be vested in Kashmir.Thus, the dominant Kashmiri sentiment, with varing phases, had been in clash with the integrationalist forces inside and outside the state.

The Dogra nationalists pleaded for the transfer of more and more Powers from Kashmir to Delhi rather than powers for Jammu itself.They even did not thought about the whole of the state of J&K and their place in it.They rather charged that in official policies, assistance to the economic development, recruitment and promotion in the state administration, Jammu was discrimated against.Dr. Karan Singh (Ex Sadar-i-Riyasat of the state) also confirmed it.They, therefore, made anti-Sheikh, anti-Kashmir and anti-autonomy speeches inside and outside the state.The regional sentiments, thus, helped to fragment popular discontent and regional tensions brought their regional cordiality to an end.

Little attention was, however, paid to the socio-politico-economic development and modernization of the Ladakh region by the Dogra rulers in pre-independence era as well as by the successive political regimes in Kashmir since independence.This resulted into the rise of the feelings of contentment,deprivation and frustration among the political elites of the region. Meanwhile Mr.Kushak Bakula,the head Lama of Ladakh and only member of Kashmir Consembly in a

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memorandum submitted to the state prime minister demanded for a Statutory provision in the then future Constitution of Jammu and Kashmir under which state's North-Eastern Frontier Province of Ladakh 'covering Sinkiang and Western Tibet,would become a federating unit of Kashmir as long as the accession of the state to India endures. He further pointed out that under that proposal Ladakh would largely bear the same relation to the J&K state as the latter did to India. He claimed that his plan was the best gurantee of the stability or the connections of Ladakh with Kashmir.

A section of people of Doda district ,led by A.G.Goni , on the other hand, stressed that Doda should also be given a status of a cultural unit because they had peculiar local problems and historically,geographically and culturally were quite different from their neighbouiring units and hence ,they could not any way be attached with the cultural unit of Jammu.They demanded that state be divided into as many as five cultural units, viz Kashmir,Jammu, Poonch-Rajouri, Ladakh and Doda, each with equal status and to enjoy equal autonomy in the conduct of their internal affairs

The valley too was not calm.Pro-Pak elements were also encourged by the happening in Jammu and Ladakh and they demanded secession of the state.As a result anti Kashmiri feeling in Jammu developed anti-muslim overtones, while anti-Jammu reaction in the valley tended to become anti- hindu and hostile to the rest of the country.Dr.S.P.Mukeherjee entered into long correspondence with Pt..Nehru as well as with Sheikh Mohd. Abdullah to find the solution of regional conflict in Kashmir but nothing substantial came out. Even Dr. Mukherjee in his letter to Sheikh Mohd, Abdallah dated Feb.4,1953 confirmed the sense of insecurity among the people of Jammu and Ladakh and in his letter to Pt. Nehru of Feb.12,1953 suggested the grant of provincial autonomy to Jammu and Ladakh without the change of boundaries would be the only solution of the problem.Mr.Atal Bihari Vajpayee also alleged from time to time the discrimination against the two regions of the state and pleaded that the constitutional guarantee & autonomy to the regions was the only way to end it.The idea seemed to be that a measure of autonomy in their internal affairs would remove the fear of each of these units against the others and would provide a moral,natural and non-communal impetus for a sense of belonging which alone could effectively help in integration of the state with the Indian Union.

A chain of multiple reaction had followed Sheikh Abdullah's attitude towards Jammu, the agitation of Praja Parishad of 1952,the role of its syampathetic organizations in India,its reaction in the valley and their counter-reaction in India; the planned process of precipitating a conflict between 'Kashmiri Nationalism' and "Dogra – Nationalism, and Ladakh and Doda's demand for internal autonomy had created conditions favourable for the disintegration of the state and disruption of the unity of the people.The relation between the opposition groups in the state were further deteriorated. Sheikh Mohd.Abdullah was somewhat prepared to make some concessions to the separatists in Jammu as well as in Ladakh.Even the Basic Principles Committee of the Consembly was, thus, instructed to study the idea of extending autonomy to each province of the state.

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But by the sudden death of Dr.S.P.Mukherjee,the president of the than Akhil Bhartiya Jana Sangh and the leader of opposition in the Indian Parliament ,on23rd June,1953,in detention at Srinagar,the whole of North India was plunged in profound grief and submerged by a kind of anti-Nehru and anti-Sheikh wave.The people of Jammu refused to believe that death occurred in natural circumstances.It was described as a death in mysterious circumstances.The rumblings of similar reactions were also heard in the Frontier district of Ladakh.

Even after the dismissal of the first popularly elected ministry of the National Conference and subsequent arrest of Sheikh Mohd.Abdullah in August,1953and during the subsequent National Conference regimes in J&K the Dogra Nationalist of Jammu continued to play a negative role.They were much worried about the shift of more and more powers from Kashmir to Delhi but never thought and fought for Jammu's status within the state.Some of the individuals and groups even within National Conference did try in submissive manners for the recognition of Jammu,s regional autonomyas well as its equitable share in the power structure of the state right from 1949./But they were subsequently expelled from the party. More over The J&K Youth Conference and Friends of New Kashmir,Delhi;the Socialist Groups first and P.S.P.,Jammu Autonomy Form, a Group of Jana Sangh Workers later onalso demanded the grant of regional autonomyto Jammu region. Mr. Balraj Puriin J&K Peoples'Convention held at Srinagar in Oct.1968 also tried to articulate Jammu,s regional urgeson the secular lines. His main emphasis was that whatever measures of autonomy had been promised to the state within Indian Union should also be conceded to Jammu region. The consensus of the Peoples, Convention was that any solution of the state,s future should be peaceful,democratic,just and realistic and keeping in view the interests of all the three regions and to set at rest controversy which was one of the source of tensions in the inter-regional relations.

Dr.Karan Singh once proposed linguistic reorganization of the state and merge of Jammu with adjoining H.P.But the idea was not welcomed and received severe attack from the entire political spectrum.Jana Sangh leadership pointed out by isolating Kashmir ,the Muslims would be so preponderant that we would loose it to Pakistan.The Communist leaders thought that',it was a part of sinister American Plot" Mr. Sadiq called it an idea which was fraught with dangerous consequences and should be resisted with all might.

The idea of regional autonomy within the framework of the mstate was also endorsed by 130 prominent state citizens belonging to all walks of life and communities including politicians,doctors and advocates.But almost all the political parties and the centre opposed it.

With regrets it is to be pointed that Jammu protests and sacrifices during all the years got a defeast channel.The Dogra Nationalists failed to understand that the lack of adequate share in political power was one of the basic problem of Jammu. Jammu actually needed the safeguards within the state on precisely the same grounds on which Kashmir feels the need within Indian Union.

The Gajendragadkar Commission,however,made a positive contribution to the debate on inter-regional relations in the two major aspects.Firstly,it stressed the need for recognition of regional identities in the various fields of

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governmental activities.Secondly,while recognizing the paramountancy of political aspirations of regions, it conceeded that even if all the matters were equitably settled down among the regions,there would still be some measures of discontentment unless the political aspirations of the different regions of the state were fully satisfied. In order to satisfy the political urges of the regions. It recommended for the establishment of a convention that if Chief Minister belonged to one region,there should be Dy.Chief Minister belonging to the other.Moreover,the number of cabinet Minister belonging to the regions-Jammu and Kashmir should be equal and a full fledged Cabinet Minister from Ladakh be in the state cabinet.Unfortunately, the State Government still continued its policy of inaction on the report and its recommendations were not fully implemented.

However ,the atrocities committed by the Pak armies on their Muslim brothren in civil war in East Pakistan, the assistance rendered by India to them and subsequent emergence of Bangladesh as an independent country had a considerable effect on Kashmir politics.It strengthened the secular force,reduced the bargaining capacity of the Kashmiri leaders to balance India and Pakistan,created popular disillusionment with Pakistan and resurgence of regional patriotism against the appeal of Muslim solidarity.Thus Indo-Pak war of 1971 and emergence of Bangladesh created favourable atmosphere for the negotiations between Kashmiri and Indian leadership to sort out differences.As a result the negotiations between Indira Gandhi and Sheikh Abdullah thus started and resulted into Indira-Sheikh accord of 1975.

For over half a century,till the death of Sheikh Abdullah symbolized the aspirations of regional nationalism of Kashmir.In the last phase of his life he reacted sharply even to the slightest provocation from Jammu region.Even during the regime of Dr.Farooq Abdullah and there after most of political happenings and events in and outside the Jammu & Kashmir contributed much in sharpening the regional sentiments and regional identities of all the three regions and helped much in developing ,in each region ,its distinct and aggressive political entity and also its divergent political aspirations.

India,too played a negative role.The Indian leadership always thought that Jammu and Ladakh had no other option expect India.Whenever,therefore,people of Jammu raised their voice for their rights ,they were dubbed by them as communalist.Their eyes were always focussed on valley in order to improve their secular image in the world.Whatever concessions were given , these were given to the valley and they did not bother much for Jammu and Ladakh

The newly emerging political elites of Jammu now believe that with the backing of the Central Governments the Kashmiri rulers have always manipulated their permanent dominating position in all walks of life and,thus, denied Jammu its due share in political and economic development of the state They,therefore, believe that the only remedy of all ills of inter-regional relations of the state if its trifurcation.This idea too is being opposed by the intergrationaists,autonomists and fundamentalist political parties and groups within as well as outside the state.

The newly emerging elites of Ladakh, however, started to feel concern about the socio-politico-economic backwardness of their peoples.Even their demands raised from time to time viz a statutory provision for Ladakh in the

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state's Constitution; the grant of Union Territory status; speedy socio- politico-economic development of the region; protection of their identity under Art.370 of the Indian Constitution; merger of Ladakh with Indian union;their proper representation in the state services; induction of their more representatives in the state cabinet; recognition of Bohi language;according the schedule tribe status and NEFA type status to Ladakh etc. were not heeded to by the successive state Govts. Rather they followed a policy of side tracking and divide and rule.As a result organized struggles against the Kashmiri domination were launched in Ladakh region from time to time.The communal trouble also raised its ugly head in the region.The Kashmiri leadership had been alledged to be more prone towards Muslms of the region rather than that of the majority community-the Buddhists.They also feared that they would be reduced to minority because of the increasing incidents of conversions of Buddhist girls to Islam on the encouragement of Anjuman-i-Islam which was providing the Muslim young men money to lure the innocent Buddhists girls to embrace Islam and marry them.The State Govt.did not even concede the recommendations of Gajendragadkar Commission about the Ladakh region in 1979, rather disturbed its social equilibrium by dividing Ladakh into Leh and Kargil districts on pure communal lines. They believed that the situation had reached to such an extent that nothing less than complete separation of the reigon from J&K state would satisfy them.The Ladakh Buddists Association had,afterwords ,rescinded its demand for Union Territory Status ,in favour of Autonomous Hill Council so that they get free hands to preserve their ethnicity and cultural identity.

The Ladakhi political elites alleged that their complaints had mostly centred on the jingoism of the leaders from the Valley and their systematic acts of discrimination against the masses of the region.Moreover Ladakh stands the fear of being colonized by the Kashmiris and its identity and culture overwhelmed by Islamic influence.They alledged that Kashmiris trained their eyes on the minuscule Buddist population for assimiliating them in Islamic fold.They believe that in such a melee it was only a matter of time before their identity perished completely.

The central Government also seem to be concerned about it the movements launched by the Ladakhi people so that the people of this sensitive geo-political region touching newly Central Asian Republics, China and Pakistan may not become restive. They repeatedly visited Ladakh region to have a first hand knowledge about the problems being faced by the people of this sensitive region and reported to the Central Government for finding out some amicable solution of their problems.

It may also be pointed out that the climate ,like ethnic composition, of the J&K state has also greatly affected the its politics.Except Jammu ,both Kashmir and Ladakh are the coldest regions.In the past no political movement was ever started in Kashmir in winter. But now for the last few years,Kashmir is under turbulence continuously regardless of its climate conditions.The same scene has been witnessed in Ladakh region also.Moreover the various ethnic groups belonging to various regions of the state do not react uniformally to political pulls from outside the state,which adversely affected their relations with one

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another.The ethnic groups do feel involved in all the affairs of the state and take the instrest in elections,administration and development. Above all , the question of sense of participation and equitable share in political powers of the state has started agitating the minds of various ethnic groups since long.Though regional and political groups were activated in their repective geo-political regions and some futile attempts have also been made in the past by a few progressive and secular elements to form political parties either through alliances or mergers ,yet these experiments were either short-lived or such political parties could not get any popularity.

While summing up I may point out that Kashmiri leadership, right from Sheikh Mohd,.Abdullah down to Dr.Farooq Abdullah and after, has never been serious to share political powers with other two regions of the state i.e. Jammu and Ladakh.Even in employment and development matters the people of Jammu and Ladakh have been constantly denied their legitimate and due share.The real hunger of the two regions has been the sharing of political powers with the Valley.The only remedy of the inter-regional distrust,irritations and tensions is ,therefore,the equitable division of Political power among the three principal regions of the state through a mechanism acceptable to the people of each of these regions.

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POLITICS OF REGIONALISM IN JAMMU & KASHMIR

* Dr. Vidya Bhushan

Regionalism, being the first and foremost manifestation of the diversity of a state, refers to assertion of distinct ethnic ,linguistic or economic interests by various groups with in a nation. It stands for the intensive love of a particular region or an area in preference to the country as a whole or even a region in preference over the state of which the region forms a part. It is also manifestation of those residual elements which do not find expression in the national polity and national culture and excluded from the centrality of the new polity, and also a highly parochial sentiment which blinds the people of a region to the broader requirement of a nation or the community as a whole. There may be manifestation of regionalism even with in a particular state when a small area puts forth its claims against the other areas or the state as a whole. If communalism stands for the love of a community at the cost of the society ,regionalism stands for love of a region or an area in preference to the country.

In a composite society like that of India ,which consists of various ethnic,lingualistic,cultural,religious and other groups ,there is bound to be tension and manifestation as a result of assertion of identity such as religious identity and separate identity of certain castes or class or groups. Moreover,regional imbalances, economic and political inequality among the various gropus or religions ,the psychology of a bruised sentiments ,the centre's or the state indiffrences to a particular region,communalism based on religion,identity crisis and the increasing of the fissiparious tendencies are the potent forces which are eroding the common bounds of unity and promoting acute regionalism.The sub-national factors have,therefore,become more prominent and manifested in the form of violent agitations either demanding greater autonomy or power or complete secession and creation of a sovereign state.

However,the geo-political profile of the State of Jammu & Kashmir,like that rest of India,clearly depicts its heterogenity.But the Dogra overlords had carved out the diverse administrative divisions out of culturally diverse regions in order to ensure a better and quick administration and to receive utmost obedience from their people belonging to different races, speaking different languages, professing different faiths and practicing different customs.It is now a union of the three geographically dislocated,culturally dissimilar and linguistically distinct regions viz Kashmir Valley,Jammu and Ladakh.The political and emotional divergence between the three regions have been growing over the years.The multiplicity of its ethnico-religio-emotional divergence among the regions not only sharpened the regional identities among them but also have deep impact on the over all politics of the state.

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Mr. Tarigami has rightly stressed that such a devolutionary measures needs to be worked out in a spirit of partnership between the State, the regions and the sub-regions so that all units remain part of the State, willingly and with the sense of genuine belonging."

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trifurcation and pleade that all out effords should bemade by all to tackle inter-regional tentions to the best of satisfactions of all the regions.Such a positive approach will only ensure regional peace and harmony in the state.

Mr.M.Y.Tarigami,while pleading for the preservation of the unity and integrity of the state,recognizes the fact thatsuch a unity can thrive only in the atmosphere in which each region is allowed to grow according to its own pecularities.He is of the views that preservation of state,s unity and fulfillment of the diverse urges of its regions are complimentary to each other.In such atmosphere the regional diversities do not work as disabilities but bring credit and strength to the state,s social fabricand prove to be a significant factor in assuring an era of peace and harmony in the state.He further pleaded that the existing diverse ethnicities in different regions of the state constitutes its strength rather than its weakness.Actually there is a need of carving out a political structure that fulfills aspirations of its diverse regions.

The Ladakh Buddists Association had,afterwords, ,rescinded its demand for Union Territory Status ,in favour of Autonomous Hill Council so that they get free hands to preserve their ethnicity and cultural identity.

The Ladakhi political elites alleged that their complaints had mostly centred on the jingoism of the leaders from the Valley and their systematic acts of discrimination against the masses of the region.Moreover Ladakh stands the fear of being colonized by the Kashmiris and its identity and culture overwhelmed by Islamic influence.They alledged that Kashmiris trained their eyes on the minuscule Buddist population for assimiliating them in Islamic fold.They believe that in such a melee it was only a matter of time before their identity perished completely.

The central Government also seem to be concerned about it the movements launched by the Ladakhi people so that the people of this sensitive geo-political region touching newly Central Asian Republics, China and Pakistan may not become restive. They repeatedly visited Ladakh region to have a first hand knowledge about the problems being faced by the people of this sensitive region and reported to the Central Government for finding out some amicable solution of their problems.

It may also be pointed out that the climate ,like ethnic composition, of the J&K state has also greatly affected its politics.Except Jammu ,both Kashmir and Ladakh are the coldest regions.In the past no political movement was ever started in Kashmir in winter. But now for the last few years,Kashmir is under turbulence continuously regardless of its climatic conditions.The same scene has been witnessed in Ladakh region also.Moreover, the various ethnic groups belonging to various regions of the state do not react uniformally to political pulls from outside the state,which adversely affected their relations with one another.The ethnic groups do feel involved in all the affairs of the state and take the instrest in elections,administration and development. Above all , the question of sense of participation and equitable share in political powers of the state has started agitating the minds of various ethnic groups since long.Though regional and political groups were activated in their repective geo-political regions and some futile attempts have also been made in the past by a few progressive and

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POLITICS OF REGIONALISM IN JAMMU & KASHMIR

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Regionalism, being the first and foremost manifestation of the diversity of a state, referring to assertion of distinct ethnic ,linguistic or economic interests by various groups with in a nation and which stands for the intensive love of a particular region or an area in preference to the country as a whole or even a region in preference over the state of which the region forms a part ,is the manifestation of those residual elements which do not find expression in the national polity and national culture and excluded from the centrality of the new polity, as well as a highly parochial sentiment which blinds the people of a region to the broader requirement of a nation or the community as a whole. There may be manifestation of regionalism even with in a particular state when a small area puts forth its claims against the other areas or the state as a whole. If communalism stands for the love of a community at the cost of the society ,regionalism stands for love of a region or an area in preference to the country.

In a composite society like that of India ,which consists of various ethnic,lingualistic,cultural,religious and other groups ,there is bound to be tension and manifestation as a result of assertion of identity such as religious identity and separate identity of certain castes or class or groups. Moreover,regional imbalances, economic and political inequality among the various gropus or religions ,the psychology of a bruised sentiments ,the centre's or the state indiffrences to a particular region,communalism based on religion,identity crisis and the increasing of the fissiparious tendencies are the potent forces which are eroding the common bounds of unity and promoting acute regionalism.The sub-national factors have,therefore,become more prominent and manifested in the form of violent agitations either demanding greater autonomy or power or complete secession and creation of a sovereign state.

However,the geo-political profile of the State of Jammu & Kashmir,like that rest of India,clearly depicts its heterogenity.But the Dogra overlords had carved out the diverse administrative divisions out of culturally diverse regions in order to ensure a better and quick administration and to receive utmost obedience from their people belonging to different races, speaking different languages, professing different faiths and practicing different customs.It is now a union of the three geographically dislocated,culturally dissimilar and linguistically distinct regions viz Kashmir Valley,Jammu and Ladakh.The political and emotional divergence between the three regions have been growing over the years.The multiplicity of its ethnico-religio-emotional divergence among the regions not only sharpened the regional identities among them but also have deep impact on the over all politics of the state.

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secular elements to form political parties either through alliances or mergers ,yet these experiments were either short-lived or such political parties could not get any popularity.

While summing up I may point out that Kashmiri leadership, right from Sheikh Mohd,.Abdullah down to Dr.Farooq Abdullah and after, has never been serious to share political powers with other two regions of the state i.e. Jammu and Ladakh.Even in employment and development matters the people of Jammu and Ladakh have been constantly denied their legitimate and due share.The real hunger of the two regions has been the sharing of political powers with the Valley.The only remedy of the inter-regional distrust,irritations and tensions is ,therefore,the equitable division of Political power among the three principal regions of the state through a mechanism acceptable to the people of each of these regions.

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